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WHAT, ANOTHER CONSPIRACY?

Bernard Weiner

Quebec: Terrorism and Separatism

Pierre Leduc

THE SECURE COURT

JUSTICE IN VIOLENT TIMES

Stanley Mosk

Love, Art and Money

The Poems of John Berryman / Hayden Carruth

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LETTERS

respect or disdain

Boston, Mass.
DEAR SIRS: As a psychiatrist who is interested in applying religious ideas to the improvement of my patients' authentic feeling of well-being, I was very impressed with Charles P. Henderson's article, "Richard Nixon, Theologian" [*The Nation,* Sept. 21]. It seems to me that he described very well the difference between those statements which reveal a basic respect for human beings and those which eventually show an authentic disdain for individuals who are considered to be inferior.

Earl M. Wedrow, M.D.

tongue in cheek

New York City
DEAR SIRS: How long do you think Harold Clurman can go on writing those reviews in *The Nation*? Does he really believe his readers have time to concentrate on a critic who says exactly what he means and no more? He is really presumptuous.

Doesn't he understand we are conditioned to sophisticated innuendo, subtle archness and good hot cynicism? Such deceptively simple and straightforward prose as his requires self-examination (rereading); there's no *time* for that!

Roy R. Scheider

hating to be violent

Cambridge, Mass.
DEAR SIRS: Please pass these words on to Peter Weiss. He wrote a beautiful article on the Madison bombing and how kids are feeling ["Madison, U.S.A.: Bomb Crater in the American Dream," *The Nation,* Oct. 5]. Basically impotent thus violent, hating to be violent but cheering the violence of our brothers and sisters who feel as we do and act. We're not bored, spoiled and self-centered—no more than any other people. Just incredibly frustrated at the total sickness and perversion and blood of this country. Yes, there are beautiful things about it, but they simply cannot count in the face of Vietnam, Fred Hampton, Kent State, Nixon. We've gone through most of the channels and they don't work. We don't know what does. But we're not gonna sit on our asses while the destruction goes on. It's all much too urgent.

Lauren Jacoby

dirty business

Sacramento, Calif.
Dear Sirs: As a long time subscriber to *The Nation* I have never before disagreed with your editorials to the point of writing to you. This time, however, you seem to have lost some of your otherwise fine objectivity. The editorial I am referring to is "Faint Hope" [Sept. 28], dealing with the Middle East crisis.

The kidnapping of civilians is indeed, as you point out, a dirty business. But why distinguish between the commandos' piracy and the Israelis' counter-seizure of Palestinian hostages? Why attempt to quantify evil by pointing out that Israel, at least, seized Palestinians rather than neutral citizens? (The fact that Israel released its hostages almost immediately is equally irrelevant.) Why apply the term "defensive" to Israel's act? What is offensive and what is defensive in the Middle East can no longer be established, after twenty-five years of hostilities. I hope that *The Nation* maintains its traditional position, which has in the past always included sympathy and compassion for the wretched of the earth, including Arab refugees.

Thomas M. Kando
Sacramento State College

EDITORIALS

The Politics of Overreaction

Seizure of the two hostages by the FLQ caught Prime Minister Trudeau in a tragic political dilemma. He is from the French-Canadian community, but more to the point, the victory won in Quebec this year by Premier Robert Bourassa and the Liberals had provided a strong rallying point for federalists and other residents of the troubled province who seek an alternative to separatism. The seizures immediately threatened, as the *Toronto Star* points out, Bourassa's new and inexperienced government. And, in addition, excruciating political pressure was promptly exerted to propel Trudeau into immediate and decisive action (see article p. 422).

Even so, there is reason to dispute Trudeau's assertion that "only bleeding hearts" could or would object to his invocation of wartime powers. In a remarkable interview with Tim Ralfe of CBC on the steps of the Parliament building (*Toronto Star,* October 14), Trudeau made a spirited defense of his action, but he did not answer the key questions which Ralfe kept thrusting at him. *Ralfe*: "Well, how can you protect everybody that is going to be a possible target without a much bigger military force, without putting somebody on everybody in the country and turning it almost into a police state?" *Trudeau*: "So what do you suggest—that we protect nobody?" *Ralfe*: "But you can't protect them all."

At another point, Ralfe broadened the issue: "What you're talking about to me is choices, and my choice is to live in a society that is free and democratic, which means that you don't have people with guns running around in it." *Trudeau*: "There are a lot of bleeding hearts around who just don't like to see people with helmets and guns. All I can say is, go on and bleed, but it is more important to keep law and order in the society than to be worried about weak-kneed people. . . ." *Ralfe*: "At any cost? How far would you go with that? How far would you extend that?" *Trudeau*: "Well, just watch me."

That, of course, is what everyone is doing and will continue to do. But the questions persist. Were there other actions that Trudeau might have taken? Why did he act before he had consulted Parliament? There is no reason to believe that crushing the FLQ will solve the Quebec problem. Indeed, it may have the reverse effect. Jeanne Sauve, also in the *Star,* points out that "yielding to blackmail will encourage terrorism. But will the sacrifice of two lives stop it? The fiber of this society is presently under attack, in some places it is corroded, due to completely different sets of circumstances. If, at this point, we answer the use of force by equally brutal courage, will we have achieved something? . . . The practical view is that such deaths [of the hostages] will achieve nothing."

In Quebec, as elsewhere, deeply rooted discontent, too long neglected, inevitably creates a situation that will be exploited by those who have their own ends in view. When this happens, the dominant majority invariably reacts with violent outrage. But by then the crackdown, no matter how prompt or savage, comes too late; in a sense it is anticlimactic. And in any case, violently repressive action

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most often fails to arrest the discontent that underlies the provocation. In the end, the target becomes the public, not those responsible for the acts of violent protest. Stated another way, society becomes the victim. When a society that calls itself civilized acts as though its standards did not exist or might, from time to time, be abrogated, it places those standards in great peril. Extreme as the provocation may be, overreaction is not the answer.

When and Where?

Americans sensitive to the international traffic in ideas are holding their breath these days—when and where will the first political kidnapping take place in the United States? It isn't inevitable, of course, but neither is it unlikely. The mood in this country is growing more ugly, embittered frustration rises as the leaders of this Administration tour the country, spouting a rhetoric of stubborn misunderstanding that is designed to coin Republican votes out of the dislocations and inequities of our society. In such an atmosphere terrorism thrives.

The snatching of hostages for political ends has in the recent past been a technique of the Third World, whence come many of the ideologies, strategies—and illusions—embraced here by the New Left. Now Canada has been infected, and that is only a border away. Attorney General Mitchell says that no special measures are being taken to guard public figures, but the FBI says it has been warning political candidates about rumored plans to kidnap officials. And Mr. Mitchell, with his instinct for fanning the hysteria of Middle America, has also said that, although he hopes it doesn't come to that, "citizens might have to resort to vigilante tactics."

Of one thing we may be sure—if a political snatch does occur in this country, the reaction, both public and official, will exceed the already excessive reaction in Canada. Justice Department lawyers will quickly dig up statutes sufficient for whatever extraordinary powers they deem necessary, and the public will almost certainly go along. One effect of kidnapping is that it causes a suspension of the sense of proportion.

Writing in *The Spectator* of September 12, George Gale speculates as to why this should be so. He observes, somewhat tongue in cheek, that kidnapping—and indeed assassination—is a relatively benign way to achieve political ends not otherwise readily achievable. A host of objections to this line of reasoning will occur to almost everyone, but we shall not raise them here, because other passages in Mr. Gale's article are what give it importance. Granted, he says, that the kidnapping and killing of one or two hostages is a relatively minor wickedness by comparison with the mass killing that goes on in the world, and has gone on for all of our lifetimes, why does the public express horror in the individual case and apathy in the general? Precisely because it is individual: one cannot relate to, or perhaps even visualize, the fact of thousands dead and tens of thousands homeless and starving. But a man with a name, or some accidental victim whose daily pursuits are not unlike our own, is a different matter. We are out of the area of statistics and into that of drama, where we can see ourselves as protagonists.

And there is still another reason, says Gale. The aver-

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age citizen will do whatever he can to avoid looking steadily at the mass villainy, because he wishes to avoid complicity in a situation about which he is not prepared to do anything material. A kidnapping comes, thus, almost as a gift to his conscience; he can direct his rage at the devils who snatch this Senator or that Assistant Secretary. He can demand that decency be vindicated by the speedy capture and maximum punishment of the conspirators—and let civil liberty take its chances.

That is the predictable reaction when the kidnappers appear in the United States. To a degree, we can inoculate ourselves in advance against the sort of thing that Mr. Mitchell so provocatively hopes will not happen. We can remind ourselves that a kidnapping does not warrant, or require for its best solution, the conversion of the country into either a military camp or a chaos of every man taking the law into his own hands. Kidnapping is a cruel crime, but it is not doomsday and does not call for total retaliation. Doomsday hovers over Vietnam, the Middle East, the ghettos, the campuses; political kidnapping is the criminal effect of these appalling unsolved crimes. We should also remember that.

Bad News from the CIA

The most astonishing information that has come out of Vietnam this year is contained in an article by Neil Sheehan in *The New York Times* of October 19. It is a summary, almost 3,000 words long, of a report by the Central Intelligence Agency on the extent of North Vietnamese and Vietcong infiltration of the South Vietnamese military and governmental apparatus. The headline, "C.I.A. Says Enemy Spies Hold Vital Posts in Saigon," gives only a faint idea of the contents of this "top secret" study, details of which were made available to the *Times* by government officials who had read it.

According to the CIA, more than 30,000 Vietnamese Communists have ensconced themselves in the Thieu-Ky government and military, where they comprise a spy apparatus that is "virtually impossible to destroy." The situation is not immediately precarious, in the sense that the South Vietnamese government is not likely to fall "in the next few months," nor will the battle performance of the ARVN necessarily deteriorate "for some time." Despite the incursion into Cambodia, that army, like the American, has less to do than formerly. The Communists, it is said, have shifted from intense military activity to "political erosion," against the day when American troop strength will be reduced to the point where they can attain their objectives by boring from within.

The question immediately arises: why are the American and South Vietnamese counterintelligence agencies, especially the latter, unable to cope with this flood of infiltrators? They have captured some operatives and documents: it is from the analysis of material thus secured that the estimate of 30,000 spies is obtained. The basic trouble is simply the hostile reaction to a foreign invader and the puppet government he has set up. With a very sizable portion of the population of South Vietnam opposed to the regime, 30,000 infiltrators is not a remarkable number. The number of Communist agents is said to be growing, and that is not remarkable either. The CIA study indicates that the Communists had a goal of 50,000 infiltrators by the end of 1969, but doubts that it was attained at that time. There is no guarantee that it will not be reached during 1971.

On that assumption, 5 per cent of the South Vietnamese administration, military and police, would be composed of Communist agents. The enemy network exists with the tacit complicity of hundreds of thousands of South Vietnamese police and soldiers who, whether out of fear, sympathy or apathy, fail to report contacts. "The C.I.A.," Sheehan writes, "cited such feelings as evidence that the Saigon government does not command the deep loyalty of the men on whom it depends to defend itself."

In the reverse direction, the situation is quite different. There is, for instance, "a permanent imbalance" in tactical military intelligence. When the war was hot, the enemy was usually forewarned of allied moves, but the U.S. Army and the ARVN were ignorant of Communist plans. Where the South Vietnamese government's security is defective, that of the enemy is evaluated by the CIA as "excellent."

Spies permeate the South Vietnamese bureaucracy and military at the highest levels. The most conspicuous example was Huynh Van Trong, President Thieu's special assistant for political affairs. He knew about everything that went on in the Saigon government, including communications between Mr. Thieu and Mr. Nixon. Some lesser but nonetheless powerful spies have been apprehended, and it must be assumed that many remain free.

The bearing of all this on the "Vietnamization" policy is obvious but President Nixon remains unperturbed—at least so the White House says. He believes the CIA study to be "inaccurate" and "overly pessimistic." Perhaps, but the President and his chief aides have shown a marked tendency to dismiss disagreeable conclusions arrived at by investigating commissions and the like.

Whose Law? Whose Order?

One of the disquieting features of the present zeal for law and order is that so little respect for justice is shown by law-enforcement agencies in precisely those situations that have aroused the deepest public concern. The Ohio grand jury indicts not a single Guardsman and, while administering a gentle reproof against the killing at Kent State of four students and the wounding of nine others, holds the students, the university administration and the faculty responsible for the tragedy. The grand jury findings contradict both the FBI findings and the report of the President's Commission on Campus Unrest. It is aimed, as one Kent State professor said, at the university's obligation to protect the right of free speech and peaceful protest. The latter is lumped indiscriminately with the throwing of stones and bottles by some students, to which the Guardsmen replied with deadly force.

Twenty-five persons were indicted, including one of the wounded students, the president of the student body, and a 42-year-old professor of sociology who, judging by his appearance and language on TV, was about as likely to foment a riot as the judge who presided over the grand jury proceedings. That judge forbade all discussion of the testimony and the indictments, but allowed the president of the university to hold a press conference—provided

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he did not criticize the grand jury's report. Everyone is muzzled except the Ohioans who hate Kent State University, its students and faculty, and intellectuals in general. The "silent majority" spoke through the grand jury.

At Jackson State, where the Scranton commission found that the police gunfire was an "unreasonable, unjustified overreaction," no corrective action was taken against any of the police involved. Nor will any such action be taken. Gov. John Bell Williams called the report "another slanderous diatribe against the state of Mississippi." In fact the only action taken in the wake of the Scranton commission public hearings at Jackson State was the firing of four young instructors as an "economy" move made necessary, so it was said, to strengthen campus security forces!

In Los Angeles, the sixteen-day inquiry into the death of Ruben Salazar, the longest and costliest investigation of its kind in the county's history, ended with the filing by four members of the coroner's jury of a report which stated that death was "at the hands of another person," which ordinarily implies that appropriate legal action will be taken; a minority report by three members of the jury said that the death was accidental. The authorities have since announced that no action will be taken.

These events, taken in conjunction with other recent happenings of the same sort, indicate that a most one-sided conception of law and order prevails in parts of the United States today. Insofar as certain groups are concerned, nothing a law-enforcement official does is to be considered a crime. The effect, of course, is to encourage the kind of "lawlessness" by police and Guardsmen that occurred in the three cited instances. Such lawlessness will now further stimulate the kinds of protests and demonstrations that occurred at Jackson State, Kent State and in East Los Angeles.

The 30-Second Spot Commercial

Various attempts have been made to characterize the Congressional election now drawing to a close. To the ineffable Messrs. Scammon and Wattenberg, who have a word or a phrase for every political occasion, it is a "non-event." But it might fairly be called the election in which the 30-second spot commercial came into its own. The beginnings were innocent enough. There was nothing sinister about a quick shot of General Eisenhower chatting, over the fence, with a Kansas farmer. But the political spot has steadily and rapidly deteriorated. A professional producer working in the new art form is quoted in the *Los Angeles Times*: "Nobody can be straightforward. You don't have time to be. You have to get there with the most compelling, provocative statement for your client. You know your audience. They are not very bright, and they succumb to a sensational new word."

The quality of the 30- and 60-second spot political commercials has declined in a direct relationship to the extent to which they have been used. In his campaign they have been a source of distortion, cheap smears, wicked misrepresentation and factual inaccuracy. The situation has fallen off to the point that Frank Reynolds of ABC has suggested that political spot commercials should be banned. Used in saturation campaigns, they have greatly increased television costs, which account for perhaps 60¢ to 70¢ of every dollar spent in this year's campaign. And there is still one major difference between the parties: the Republicans are rich, the Democrats are poor. Generally speaking, rich donors favor the GOP in the ratio of 13 to 1.

In a campaign that has not received the attention it deserves, Jack Danforth (the family founded the Ralston Purina Co.) has poured money into a last-minute television blitz against Senator Symington in Missouri. Some excellent candidates—Milton Shapp in Pennsylvania, Howard Metzenbaum in Ohio, and Richard Ottinger in New York—have embarked on costly television salesmanship, but the campaigns in which a gross element of distortion has not been reflected in spot commercials would be insignificant exceptions.

In some instances, even with the best professional advice, television blitzes have misfired. In Michigan, the Republicans spent $80,000 to produce a film about Mrs. George Romney, and bought time for it that cost $200,000. The 30-minute film, *Lenore,* showed Mrs. Romney to be, as everyone knows her to be, a gracious, charming lady, but it gave not one reason why she should serve Michigan in the Senate. In response to rumblings from the grass roots, the film was shelved and Mrs. Romney was induced to do a series of spot commercials, captioned "Hart Trouble," which made a series of cheap, snide comments about Sen. Philip Hart—comments quite out of character with the image of the lovely lady, Lenore, that had been so widely exhibited. No doubt, a majority of Michigan voters are by now so confused about her that they will do what they probably intended to do from the outset—vote for Senator Hart.

In a recent speech, Nicholas Johnson of the FCC said exactly what should be said about television in political campaigns: (*1*) it should be made available free to all candidates; (*2*) the time should be equally apportioned among all major party candidates, and made available to others according to the votes received in prior elections or the number of signatures on petitions; (*3*) the purchase of any additional political time on television should be prohibited; (*4*) candidates should be forbidden to use time in less than 5-minute segments; and (*5*) when political propaganda films and advertising techniques are used, such presentations should be followed immediately by time during which the candidate is shown in a setting over which he has no control, such as a debate, press conference or news interview.

New Bill of Rights for Illinois

A proposed new constitution for Illinois is now pending for acceptance or rejection by the voters of that state at a special referendum on December 15. Many leading citizens have labored for a long while to produce the document. The Cook County Daley Democrats, hit hard on many fronts, are inclined to withhold comment until after the November 3 general election, but most other informed persons and organizations have already come out in favor of the new document, which, if adopted, will be the first complete revision of the Illinois constitution in a century.

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There is a consensus that the bill of rights of the proposed constitution is highly acceptable. Some have called it the very best in the nation. The tone of the new bill of rights, as well as of the constitution, is set in a preamble, which mentions as goals to "eliminate poverty and inequality; assure legal, social and economic justice; provide opportunity for the fullest development of the individual." There is a self-executing provision for freedom from discrimination "on the basis of race, creed, national ancestry and sex in the hiring and promotion practices of any employer or in the sale or rental of property." This provision was adopted with only a handful of dissenting votes and was applauded even by the state Chamber of Commerce. A comparable provision declares that "equal protection of the laws shall not be denied or abridged on account of sex"; another forbids discrimination against those who are physically or mentally handicapped. Illinois joins a handful of states in adding the equal protection of the laws to the usual due process clause.

But that is not the only area in which important steps forward are taken. To the section against unreasonable searches and seizures was added protection against unreasonable "invasions of privacy or interceptions of communications by eavesdropping devices or other means." This, too, is the strongest such provision in any state constitution and is remarkable in this period of emphasis on "law and order."

Another section declares that "all penalties shall be determined both according to the seriousness of the offense and with the objective of restoring the offender to useful citizenship." This is a bold recognition of the concept of rehabilitation.

Even before the U.S. Supreme Court acted in the *Williams* case on some aspects of fines in criminal cases, the new constitution provides: "No person shall be imprisoned for failure to pay a fine in a criminal case unless he is afforded adequate time to make payments, in installments if necessary, and willfully failed to make payments."

"A prompt preliminary hearing to establish probable cause" is made a constitutional right, except where there is a prior indictment by the grand jury. One might continue straight through the article and find that it makes very substantial advances and suffers little regression.

The most serious failing is the provision which reads: "Subject only to the police power, the right of the individual citizen to keep and bear arms shall not be infringed." When originally proposed, a more restrictive version of this provision created havoc, but it soon became apparent that only federal pre-emption can prevent the excessive use of dangerous hardware in this far-flung and violent country. Besides, the police power is a commodious tent and can take care of likely abuses.

We shall have more to say later about other features of the proposed Illinois constitution. At this time we congratulate Illinois on the suggested bill of rights, which was carefully nurtured by Elmer Gertz, chairman of the committee and a leader of the small group of independents who triumphed over Republicans and Democrats and gave a great measure of inspiration to the constitutional proceedings in Springfield.

QUEBEC: TERRORISM & SEPARATISM

PIERRE LEDUC
Mr. Leduc is a free-lance broadcaster in Montreal.

Montreal

I find myself having to write something about the profound upheaval in Quebec at a time when most of us here haven't yet been able to understand fully what has happened to us in the past two weeks. For the reader who has not kept track of the events which culminated in the imposition of the Emergency War Measures Act for the first time ever in peacetime and in the cold-blooded murder of a minister of the Quebec provincial government, I should recapitulate. On the morning of October 5, James R. Cross, the British trade commissioner in Canada, was kidnapped from his home in broad daylight and held for ransom by the revolutionary Front for the Liberation of Quebec (FLQ). They made seven demands, among which were the reading of their manifesto on the Canadian radio and TV networks and its publication on the front pages of all major newspapers in the province of Quebec; the liberation and safe conduct by plane to a "neutral" country of twenty-three so-called political prisoners (convicted of offenses ranging from armed robbery to terrorist bombings); the payment of a "voluntary tax" of $500,000 in gold to the liberated prisoners; the rehiring of 450 mail-truck drivers who had lost their jobs through an inept reorganization of the post office; the publication of the name of a "stool pigeon" who had betrayed the "revolution," and so on.

There have been revolutionary movements in many countries in the past; even the United States became "united" through a revolution against established authority. Today, all over the world, revolutionary rhetoric gives way to revolutionary action, and wherever governments clamp down on genuine protest, instead of trying to understand its causes, society polarizes until there is no way out and violent confrontation becomes inevitable.

Quebec is no exception; we have our share of discontented citizens, many of whom form community political action committees to combat specific social issues, such as housing, welfare and unemployment. In addition, Quebec has many separatists, as well as all kinds of Communists, Trotskyites and Maoists.

Roughly one-third of the population of Canada is French-speaking; they are a majority in Quebec. When the British diplomat was kidnapped, English Canada reacted with horror for the wrong reasons: "Those separatists have gone too far and they should be strung up."

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When External Affairs Minister Sharp told an English audience on nationwide TV that this affair would hurt the cause of separatism, he was equating what to many is a legitimate bid for democratic national self-determination with revolutionary Marxist terrorism that happens to speak French.

A man's life lay in the balance and the federal government chose to take a hard line, indicating only that the authorities might be willing to negotiate. Throughout the week the FLQ issued written communiqués warning that Mr. Cross would be executed unless all seven of their demands were met. Finally, on Thursday night, October 15, the FLQ manifesto was read over the Radio Canada TV network and published in most major newspapers the next day, in the hope that the kidnappers would be satisfied. By Friday night, six communiqués had been received from the FLQ and it seemed that if the government would free the twenty-three prisoners by 6 P.M. on Saturday night and send them to Cuba or Algeria, his captors would free Mr. Cross, who was believed still alive because of a handwritten note from him that was "dropped" by his abductors. Quebec's Minister of Justice, appearing on TV moments before the deadline, declared that his government could offer the kidnappers safe conduct to a foreign country only in exchange for the life of Mr. Cross.

Twelve minutes later, another cell of the FLQ kidnapped Pierre Laporte, Quebec's Minister of Labour, and insisted in a subsequent communiqué that if each of the six remaining demands made by the first cell were not met, Mr. Laporte would be executed. The bizarre drama continued to unfold as the authorities tried to set up negotiations again to save the lives of the two kidnapped victims. Having admitted the principle of negotiation, it would seem that the bargaining should have been about price. But the Canadian Prime Minister prides himself on his knowledge of Quebec and, finding himself in a position of having to deal with kidnappers and blackmailers, refused to give in, even though pressure must have been exerted by Quebec's Premier Robert Bourassa, who was now negotiating for the life of a friend and Cabinet colleague. The federal government's new hard line led to the proclamation of the Emergency War Measures Act which had been invoked only twice before, during the two World Wars. Almost 300 arrests have been made and under the Act no charges need be laid for ninety days and no bail is allowed. In fact, the authorities don't even have to release the names of those arrested.

On Sunday, October 25, a municipal election will be held in Montreal. It might have produced an opposition within the city council for the first time in ten years, for paternalism at City Hall has been rankling for a long time and opposition has sprung up in the form of working-class citizens' committees, many members of which have been arrested. Now, needless to say, people are afraid to distribute campaign material which criticizes established authorities. Montreal continues to be virtually occupied by its police force and by troops armed with machine guns. The Prime Minister assures us that only "weak-kneed bleeding hearts" are worried about this unprecedented show of force and that he is prepared to go much further to preserve law and order. Some observers have remarked that the Prime Minister's hard line contributed to the tragedy of Saturday night, when the body of Pierre Laporte was found stuffed into the trunk of a car.

It was at this point that shock really set into Quebec society. Men have been assassinated before, but usually by some crackpot with weird personal motives. Pierre Laporte was kidnapped and murdered for political reasons and that has never happened before in Quebec. Another point about this whole affair is that Quebecois themselves are divided on the issue of the kidnappings. One has only to listen to open-line radio programs to know how far the not-so-silent majority would go to avenge the death of Mr. Laporte. "Take the twenty-three so-called prisoners," they say, "and shoot them one at a time, a day at a time, until they release Mr. Cross." (At the time of writing, it appears that Mr. Cross may still be alive, although nothing is sure except that we do know he survived Mr. Laporte.) Others are ready to approve of anyone who opposes the government, English-speaking Canadians, big business and federalists.

The main thing to keep in mind about Quebecois is that for the most part they have a sense of nationality. Many feel they can affirm this nationality within confederation, others support reactionary political parties, some support the separatist Partie Quebecois and still others, fortunately a very small minority, are ready to side with the FLQ. Too many Quebecois are cut off from the affluent society and feel they have no say in how they are governed. The FLQ manifesto had been widely circulated, and many felt that there was a lot of truth in it. It was considered that the publicity given the document was a victory in itself, and that the FLQ could have liberated their hostages and thus gained substantial public support, although most citizens would continue to disapprove of the violent overthrow of the government. Now, however, the murder of Pierre Laporte has cut the FLQ from the society it claims needs liberation.

The English-speaking people of Canada have made the mistake of assuming that the FLQ is just another separatist group and that the sooner all separatists are rooted out, the better off everyone will be. In fact, the FLQ is a Marxist organization which works for the violent overthrow of the government of Quebec. It is separatist because it suits its purpose to concentrate on what it feels it can understand and manipulate. Social discontent is rampant in Quebec and those who blame this on the FLQ are sadly mistaken. The police repression going on now under the terms of the Emergency War Measures Act is just another way to alienate those who have been pushed out to the fringes of society, and on that fertile ground more cells of the FLQ can proliferate. Those who equate separatism and the FLQ choose to ignore the fact that there exists in Quebec a perfectly legitimate nonviolent political party dedicated to creating a Quebec nation. Twenty-three per cent of the population of the province voted for it in the April general election this year. Its option is clear and its methods are democratic.

The FLQ kidnappings and the murder of Pierre Laporte are despicable actions. If English-Canadian reaction tags all French Canadians with the FLQ label it would be a tactical error that could destroy this country. □

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THE SEATTLE EIGHT

WHAT, ANOTHER CONSPIRACY?

BERNARD WEINER
Mr. Weiner is an editor of Northwest Passage, *a journal of ecology, politics and the arts, circulating mainly in the Northwest.*

Seattle

If any doubts remain as to the Nixon Administration's policy toward radical organizing and dissent, the Seattle "conspiracy" trial scheduled to begin November 9 should remove them. For in this Pacific Northwest city, far from the attention of the national press and television, the federal government seems determined to make examples of eight young defendants whose only crime, in the opinion of a local ACLU official, is "that they are damn good organizers."

Following a tumultuous demonstration last February to protest Judge Hoffman's heavy contempt sentences in the Chicago trial, the Seattle Eight were charged with conspiracy to damage federal property (windows were broken and some paint was splotched on the U.S. Courthouse); in addition, five of the eight were charged, under the "Rap Brown" act, with crossing state lines to incite a riot. None is charged with doing any physical damage, and some were not even at the demonstrations (one had not yet moved to Seattle from the East). Any civil libertarian would recognize their "crimes" as acts of speech and assembly, specifically protected by the First Amendment; indeed, the pretrial brief seeking dismissal argued that "the indictments read more like a catalogue of constitutional rights than an enumeration of criminal acts." Nevertheless, they must stand trial, and if they are convicted, serve prison terms of between ten and fifteen years.

Of the eighteen "overt acts" which are alleged to document the nefarious conspiracy, most merely assert, with no attempt at elaboration, that the defendants "spoke to an assemblage of persons," or "played a tape recorder," or "met in Seattle, Washington." Such charges are patently flimsy, but the Administration has forced the case as a national warning—to show that it can break the back of a growing youth insurgency in Seattle, and is capable of doing, and willing to do, the same thing elsewhere. For its purpose, it would seem, one Chicago-type trial was not enough.

The local U.S. Attorney, Stan Pitkin, a young, moderately liberal Nixon appointee, balked at prosecuting the case. Though he now asserts that he will be "trying the case to win," sources close to him say that privately he much doubts the wisdom of bringing it to trial. Indeed, inside reports circulate that Pitkin protested so strongly against the unfairness of the charges—warning of the bad publicity the trial would bring to Seattle and to his office; not to mention that it might well make radical "martyrs" of the eight—that Attorney General Mitchell sent out his own man, Guy Goodwin, to obtain the grand jury indictments and to help Pitkin try the case. The trial is obviously not originating in the state of Washington, but is rather an attempt from Washington, D.C. to scotch further white radical organizing in the nation's cities.

The national mood tends to tolerate, or at least to ignore, repressive violence that is inflicted on nonwhite militants (Black Panthers, Brown Berets, Indians, et al.), but it is still ambiguously queasy about police or military violence directed against white kids—the silent majority's own kids, so to speak. Violence remains the final option, but the government will first attempt to break these movements by entrapment, or by show trials such as the Seattle Eight case. Even if the charges are impossible to prove, the radicals and their friends are tied up in legal proceedings, their time, energy and money directed and containable. The lesson is not lost on other potential organizers. Then, too, the chance of conviction—on *some* charge—is fairly good, since middle-aged judges and juries are showing themselves willing to believe the worst of longhaired, rhetoric-spouting, radical youths.

Further evidence that the case is really a political one, and that it has been initiated in Washington, D.C., is to be seen in the fact that J. Edgar Hoover called a press conference last spring in the nation's capital to announce both the delivery of the indictments and the arrest of five of the eight defendants. Such information is normally released by local officials, but the Administration wanted maximum exposure for this case.

About a week before the indictments were handed down, the local Hearst newspaper, the *Seattle Post-Intelligencer*, ran a three-part series on the Seattle Liberation Front, of which the eight defendants are leaders. This "exposé" attributed all manner of horrendous deeds and tendencies to the group: "Are they Communists or Anarchists?" one teaser headline asked. A little checking has shown that almost all the information in those stories came from a series of long interviews with FBI agents; little attempt was made to seek other sources of information.

To understand why the Administration feels so great a compulsion to "get" the Seattle Eight, one must review events in Seattle over the past two years. The city has had a tradition of radical politics (there was a general strike here in 1919, and the feats of the Wobblies are still part of local legend). It is not surprising, therefore, that in the recent past Seattle has had one of the strongest and most militant chapters of Students for a Democratic Society in the country. When SDS began to split up several years ago, the Weatherman faction moved into prominence in Seattle, as elsewhere. It was the most activist group, and the loudest; but it was also essentially campus-oriented, and its militant rhetoric and actions made impossible any broad-based coalition, and particularly any cooperation with the workers.

About this time, in the fall of 1969, Michael P. Lerner came to the University of Washington Philosophy Depart-

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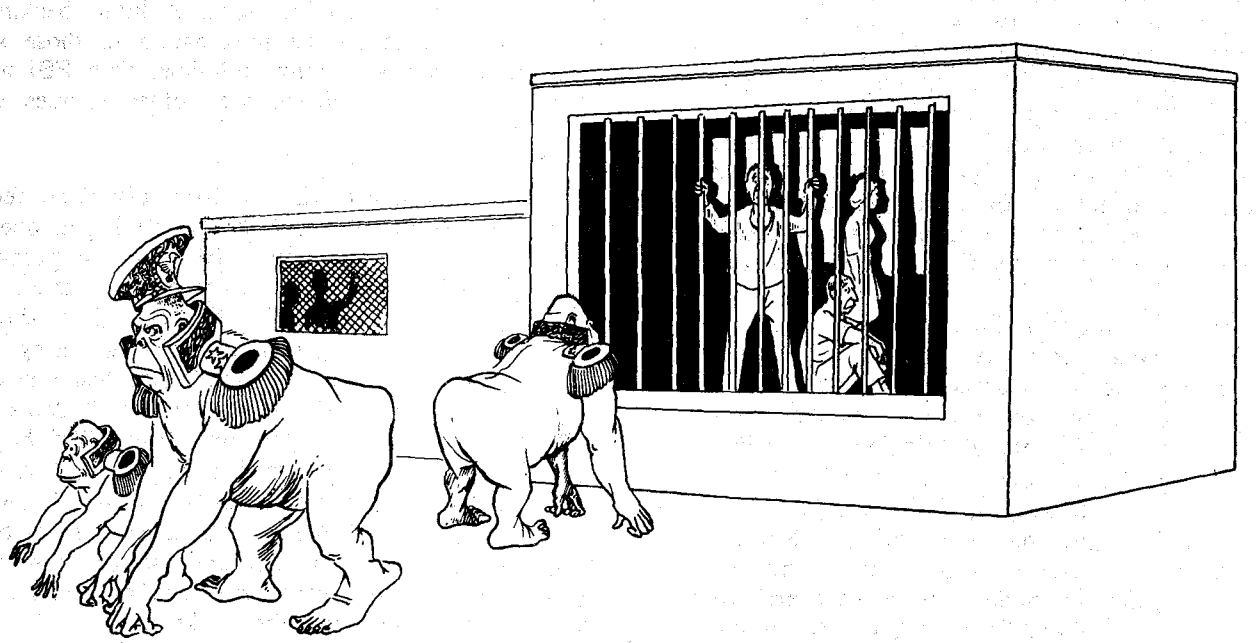
ment as a visiting assistant professor. Before that he had been a teaching assistant at San Francisco State College, and had been active in the massive strike there. Lerner, a bright Marxian analyst of contemporary politics and economics, is also a practical-action man. He and a few others on the Washington campus thought the Weatherman tactics to be self-defeating. They formed a new group —the Radical Organizing Committee—but that, too, exhibited too much theorizing and campus orientation. So last January, Lerner and perhaps fifteen others left ROC to found the Seattle Liberation Front on a fourteen-point program that emphasized the development of alliances with oppressed workers, women, blacks, hip youth, the poor, et al. According to Susan Stern, one of the eight defendants, "SLF was formed as a direct alternative to Weatherman. They were very sectarian and exclusive in their politics; we wanted to form a mass-based organization." In short they were inspired by that old dream of the Left: an alliance of the working class with students and the intelligentsia.

The essence of SLF is the "collective," a group of ten or fifteen men and women who live together in a house and make The Revolution their full-time business. There were four such collectives when the SLF began organizing in the winter of 1969; by last spring, when the indictments were handed down, there were about twenty. Today there are ten, but school is again in session and the number should grow. Taking their names from real-life or fantasy legend—Tupamaros, Sundance, Paisano, Stonerage—the collectives, located in various sections of the city, set out upon their organizing. Some presented petitions to the mayor, some moved to block an unpopular freeway, some worked on ecological projects, some in the area of women's liberation—and some worked in the two most highly publicized and successful of SLF's ventures: filing a State Initiative which would, if successful, shift the entire tax burden from those earning less than $10,000 a year to those earning more than $30,000, and to corporations with assets of at least $300,000; and handing out free food and coffee at the city's overwhelmed unemployment office and food-stamp lines.

Seattle was just beginning to experience its economic depression. Boeing, the state's largest single employer, felt the reduction of defense contracts and laid off some 40,000 workers. The situation was so bad that people had to stand in line for two hours just to get inside the food-stamp office. The SLF cadres would move along the line, handing out doughnuts and coffee—as well as leaflets, radical conversation and Initiative petitions to be signed. According to the Front, the jobless workers were beginning to listen, beginning to see connections between their plight, the wartime economy, capitalism, militarism, racism, and the like.

As the Black Panthers had learned earlier with their free breakfast program, the white establishment seems quite able to tolerate petitions and demonstrations, but begins to exert heavy pressure, and even force, as soon as social action programs show signs of success in oppressed areas. In Seattle, the twenty or so collectives, each performing low-keyed but essentially revolutionary tasks, were beginning to get through to the unemployed defense-industry workers. And as if that weren't enough to alarm the authorities, the SLF launched a recruiting campaign in the volatile high schools. (Frightened Middle America has to a large degree written off the colleges and universities as lost to revolution, but high schools are seen as still within the clan and to be protected at all costs.) The SLF's threat of radical change had to be stopped; its leadership had to be rendered powerless, its momentum broken.

Ten days or so before Judge Hoffman was to hand out his contempt sentences, a plan developed out of Boston to hold TDA (The Day After) demonstrations in cities across the country, protesting Hoffman's sentences and his conduct of the trial. In Seattle, the SLF began to organize such an occasion, its rallying cry being



Vadillo, Siempre (Mexico)

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"Stop the Courts!" Exactly how the courts were to be stopped was left ambiguous. According to some organizers, the hope was that the mere presence of several thousand angry, chanting demonstrators outside the courthouse might be enough to do it; if the police did not ring the building, the protesters could perhaps enter in a body, there to crowd into each courtroom and hold conversations with the various judges about the Chicago trial.

The SLF claims that it did not anticipate violence, at least none instigated by the demonstrators. The organizers did expect a ring of police around the courthouse, and several had taken karate lessons as a means of self-defense. When the estimated 2,000 demonstrators arrived at the downtown courthouse that February day, no police were to be seen (they were waiting inside the public library across the street), but the doors to the courthouse were locked. The crowd grew angry and minor trashing began, whether before or after the police threw a tear-gas grenade is unclear. After ten to fifteen minutes of frustrated milling about and throwing of rocks at the building, the police poured from their hiding place and the melee began. About eighty persons were arrested on various charges (most have since been dismissed or acquitted); none of the eight defendants was charged with anything.

At this point, apparently, the dispute began between Seattle officials, who were loath to carry the matter further, and the John Mitchell group in the Justice Department. Two months later, Mitchell had his indictments against the eight: Professor Lerner, 27; Chip Marshall, 25; Jeffrey Dowd, 20; Joseph Kelly, 25; Roger Lippman, 22; Michael Justensen, 20; Michael Abeles, 20; Susan Stern, 27. (Justensen, the one Weatherman in the group, fled and is still underground. The last two named, who had been the ones most active in high school organizing, are also under federal indictment for "aiding and abetting" the minor trashing of the ROTC building on the University of Wisconsin campus a month later. They say they have a photograph of themselves sitting in a coffee shop while the ROTC demonstration was going on.)

The Seattle Eight indictment contains two counts: the conspiracy to damage and the use of interstate commerce to incite. Of the eighteen "overt acts" listed in the conspiracy count, at least fifteen refer to speech and assemblage of the sort protected by the First Amendment. Only one count mentions any rhetoric specifically inciting to violence, and it is alleged to have been spoken at an unspecified "meeting" one week before the demonstration—certainly it did not present a clear and present danger. The last two counts refer to the fact that windows were broken and such, but make no mention of who did the damage.

The five counts alleging the use of interstate commerce to incite are equally strange: though the TDA demonstrations were not conceived of by anybody until about ten days before the Hoffman verdict, four of the Seattle defendants are charged with crossing state lines in early December of 1969 with the intent of inciting a riot the following February. (The four—Marshall, Dowd, Kelly and Abeles—were activists at Cornell, who say they had heard good things of the youth scene in Seattle and had decided in December to move there. Though Kelly traveled with the others in December to look into the place, he didn't move to Seattle until a month after the courthouse demonstration. All four intended to remain and live in Seattle.) The fifth overt act is Lerner's use of the telephone; he spoke to Rennie Davis in Chicago about a week before the TDA demonstrations, but says the conversation was about the political significance of the events in Chicago.

The defendants maintain their total innocence. Whether in fact they were guilty of any of the trashing that did occur at the courthouse is beside the point, since they are not so charged. Though the police seized eighty others for trashing, they picked up none of the Seattle Eight. That, says Michael Rosen, executive director of the ACLU of Washington, leads inevitably to the conclusion that they are being tried for their success in political organizing.

In a brief seeking to have the case thrown out of court, George Vradenberg III of the Wall Street law firm of Cravath, Swaine & Moore, argued that the conspiracy statute under which many radical organizers, including the Seattle Eight, are charged leads inevitably to the following conclusions: if you, as an interested political participant, aid a demonstration in any way and violence does occur (even if police-instigated), you may then be tried for conspiracy to damage property or to incite a riot. Furthermore, under these vague conspiracy laws, no riot need actually occur; the threat that violence might occur is enough to warrant the indictment. "Virtually any act promoting or contributing to the holding of a public meeting out of which a violent act arises will suffice," the brief stated. "Such an overt act may be nothing more than putting postage stamps on envelopes or distributing leaflets announcing the holding of a meeting." The motion to dismiss was denied by the presiding trial judge, William Boldt.

The implications are equally clear with regard to the "Rap Brown" provisions of the Federal Anti-Riot Act of 1968: anyone who crosses a state line in the course of his travels or in changing residence and then, at some future time, participates in a demonstration which becomes violent (even if instigated by counter-demonstrators or police), could be charged with having crossed state lines to participate in or to incite a riot.

The warning which the government hopes liberals, radicals and other would-be dissidents will read in both their federal charges is: don't get involved; don't participate; don't stick your neck out protesting social injustices or wars, because you never know when you'll be picked up and accused of deeds that could land you in prison for years. And in Seattle it appears to be working. Already there are reports of people refusing to speak at rallies lest they be charged with one sort of conspiracy or another.

Many cities witnessed tumultuous demonstrations after the Chicago trial, but only Seattle was singled out for federal vengeance. There were several reasons for the choice: Seattle's was the first such large-scale demonstration; a good deal of radical political organizing is going on here; there have been nearly seventy-five bombings in

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the Seattle area in the past two years, many of them politically motivated; the absence of national publicity could allow certain irregularities to go unchallenged; that being so, Seattle would show how the federal government could crack down at the local level, as the Spock and Chicago trials had made the point at the national level.

Rosen agrees with the latter interpretation. "In the case of Dr. Spock and the Chicago defendants, you make martyrs of them; they become even more nationally famous: they speak all over, they get their story in the national press, they get much more exposure than normally. But here, with the Seattle Eight, the government is showing how they are going to proceed in local cases. Nobody knows these people, there's no national press coverage, they can be made examples of and soon the word will get around the country to other urban white-radical organizers, or potential organizers, and the government will have accomplished its aim of stifling dissent."

The federal indictments have had two further results: by using the "Rap Brown" act, the government is able to con people into believing the "outside agitator" theory of political dissent, and can thus avoid speaking directly to the very real local grievances that underline social dissent. And by indicting these eight persons, the government—whether consciously or not—solidifies leadership in the Seattle movement. This may be good for the government, bad for the movement. Heretofore, the white-radical movement, in Seattle as elsewhere, had been trying to disperse leadership, allowing it to develop naturally and spontaneously out of specific events and collective action. Not all New Leftists in the Pacific Northwest are enamored of the Seattle Eight or the SLF; yet the government's repressive legal action automatically raises them to positions of "spokesmen," "leaders," perhaps even "martyrs." This could retard the development of independent groups, of leadership emerging from the ranks.

In addition to receiving help from the prestigious firm of Cravath, Swaine & Moore in preparing the pretrial briefs, the defense is also enjoying the services of Michael Tigar, the defense lawyer from Los Angeles who worked on the pretrial phase of the Chicago case, and of three local attorneys: Carl Maxey, the recent unsuccessful challenger for Sen. Henry Jackson's Senate seat; and Lee Holley and Jeffrey Steinborn, two young Seattle attorneys. However, the costs will be high, since the best guess is that the trial will last several months.

Various defense benefits have been held in an effort to raise the $50,000 that will probably be needed. William Kunstler, chief counsel for the Chicago Seven, spoke here recently to help raise the money, making clear the connection between the nationally publicized Chicago case and the local one. A variety of defense funds have also been organized, one a University of Washington entity headed by two professors there, Melvin Rader and Harry McAndrew.

It is expected that the trial itself will resemble the Chicago case only in the similarity of charges; no circus is anticipated, and an attempt will be made to get down to the constitutional questions. Judge Boldt is a highly respected, though deeply conservative, jurist who is expected to maintain at least the semblance of impartiality. Recently, however, he ordered the trial switched to Tacoma, a far more conservative city 30 miles south of Seattle, thus offering the defendants an even smaller chance of obtaining a jury of their peers, and making it difficult for their friends and supporters to be present. The change of venue is being appealed.

Whether or not the government can win convictions is, in a sense, beside the point. As one defendant told me, "Even if we are found innocent—as a fair jury would have to find us—we will have had at least six months of our lives tied up in order to prove it. That message might well dissuade others from engaging in radical organizing." Another defendant added: "If we get off at the expense of losing energy that could have gone into the building of the Movement, I don't think it will be a victory."

But victory right now depends upon a number of factors: the judge, the nature and mood of the jury, the conflict in life styles, the innuendoes of conspiracy, and —not the least—money to defend the case. □

BATTLE FOR LETTUCE

CHAVEZ AND THE TEAMSTERS

JERRY J. BERMAN and JIM HIGHTOWER
Mr. Berman is a public-interest lawyer in Washington, D.C. He is a native Californian, who has recently visited the Salinas Valley. Mr. Hightower during the past two years has been involved in issues of rural poverty and politics. He is a Texan and was a legislative aide to Sen. Ralph Yarborough.

The front page of the September 14 Salinas *Californian* carried a picture of the newly crowned Queen of the Castroville Artichoke Festival. California's Salinas Valley is like that—100 per cent American heartland; the sort of place where Nixon and Agnew would feel at home. But the plastic serenity of Middle America has been shattered in this Western outpost, and there is every indication that the reign of the 1970-71 artichoke queen will not be tranquil.

The Salinas Valley is where your vegetables grow. Such agribusiness giants as United Fruit, S.S. Pierce and Purex, as well as a number of large independent farm corporations, sprawl down the 100 miles of this narrow, fertile valley and produce a huge share of the nation's "iceberg" lettuce, celery, carrots, strawberries, broccoli, cauliflower and, of course, artichokes.

For John Steinbeck, the Salinas Valley was *East of*

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Eden. For the exploited farm worker, as Carey McWilliams' *Factories in the Field* documents, Salinas was hell in 1936, when growers used violence to quell union organizing. Today, the valley is again the scene of a bitter confrontation over the issue of farm worker unionization. This struggle—already bloody—pitches Cesar Chavez and his United Farm Workers Organizing Committee (UFWOC) against almost everyone else in the area.

Chavez brought *la huelga* to Salinas last August. He had not planned to come; at least, not at that time. Earlier in the summer, he was busy negotiating an end to his battle with the $100-million-a-year table-grape industry, and he was looking toward the melon growers as his next target. Yet in the short span from August 8 to September 17, Chavez came to Salinas, called two major strikes in the valley, engaged in endless negotiations with another labor union, and launched a nationwide boycott of California lettuce that he hopes will reduce your salad consumption and lead to unionization of the valley worker.

The Salinas issue emerged on July 27, which elsewhere was a historic day in the long and terrible struggle to unionize the agricultural industry. On that day in Delano, the Giummara Brothers agreed to bring their 11,000 acres of table grapes under contract with the UFWOC. With this momentous signing, 80 to 85 per cent of the grapes in California are now union picked, and the remaining 15 to 20 per cent are considered within easy reach of the union. The national grape boycott was called off, and the five-year battle with the recalcitrant grape growers of California's Central Valley was terminated in Delano by a day of union celebration. The euphoria, however, was short-lived.

The vegetable growers in the Salinas Valley had watched developments in Delano and had given moral and financial support to the attempt to break the grape boycott. By mid-summer, however, they knew that a union victory was imminent, and they were profoundly troubled by the probability that they, too, would have to deal with that "civil rights organization." Seeing that unionization of their workers was almost inevitable, the growers determined that their best course would be to pick the union—one with which they could feel relatively congenial. They went to the Western Conference of Teamsters.

Cal B. Watkins, personnel manager for Inter Harvest Inc., represented his company at a July 23 membership meeting of the Grower-Shippers Vegetable Association of Salinas. In a court affidavit, Watkins disclosed that at that session the members authorized their association to "feel out the Teamsters and explore the prospects of negotiating an agreement for agricultural workers." A committee from the Association promptly called on the Teamsters and, Watkins notes, found the union "interested and receptive." Wasting no time, thirty Association members (including Inter Harvest) sat down at the table and signed contracts recognizing the Western Conference of Teamsters as the organizing agent of their workers. Watkins reports that the Teamsters did not claim to represent any agricultural employees at the time, but that they agreed to "take the responsibility for signing up the employees."

Callously, the growers and Teamsters announced their new alliance on July 27—the very day that UFWOC was enjoying its victory at Delano. Chavez, calling the Teamster move a "stab in the back," said to one UFWOC representative: "Pack your bag; we're going to Salinas." He was drawn there by a three-part conviction: that if given a choice, which is their right, the farm workers would choose to be organized by UFWOC; that as compared with the Teamsters, UFWOC would show greater concern for the welfare of the field worker and would push for greater benefits; and that the Teamsters were openly raiding UFWOC's jurisdiction. The growers and the Western Conference of Teamsters were in collusion, he was convinced, and Salinas was a challenge that could not be ignored.

When it moved from Delano to Salinas, UFWOC did not even know which growers had signed with the Teamsters. They learned by word of mouth from workers who came into UFWOC headquarters in Salinas and from workers who told UFWOC officials that the Teamsters had threatened them with loss of work unless they signed. Even before it was forced to come there, UFWOC claimed the loyalty of 90 per cent of the farm workers in the Salinas Valley. The validity of that claim is supported by Cal Watkins' affidavit, which states that in ten days of organizing at Inter Harvest the Teamsters managed to sign a meager 108 farm workers out of more than 1,000 employed.

Chavez moved quickly to demonstrate UFWOC's strength. On August 8, he called a selective strike against Freshpict (a division of Purex), because more than 100 workers reported that the company had signed with the Teamsters and that they were being asked to leave the fields unless they signed Teamster cards. The strike call was so widely heeded that the Freshpict operation had to shut down.

The force of the strike, combined with the bad publicity given the Teamsters, produced a quick response. On August 11, Einar Mohn and William Grami, of the Western Conference of Teamsters, met with UFWOC officials. By the next day, they had worked out a jurisdictional pact that, on the one hand, took the Teamsters out of the business of organizing field workers and, on the other hand, assured UFWOC respect for traditional Teamster jurisdiction over truckers, warehouse workers and packers. Chavez called off the selective strike and it appeared that union harmony had been reinstated in the valley. But not so.

Incredibly, the jurisdictional pact of August 12 had failed to mention those thirty Salinas growers already under contract with the Teamsters. The language of the pact is in the future tense. According to UFWOC officials, the Teamsters did not want to sign a commitment that contradicted the existing contracts, but promised to seek recision from the growers. Because of this understanding, UFWOC gave the Teamsters a ten-day moratorium on the pact, during which they would convince those growers to rescind the July contracts. The thirty contracts were the meat of the conflict, and if it were not intended to void them, observed a UFWOC spokesman, "what would have been the point of signing the pact?" However, nothing was in writing.

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The grower response was predictable: "We have a legal binding contract for five years with the Teamsters," said one company president. None of the thirty growers renounced its contract with the Teamsters, and there is little evidence that the truckers' union tried hard to make them do so. William Grami, the director of agricultural organizing for the Western Conference of Teamsters and its leader in the fight against UFWOC, announced on August 24 that his union would honor the thirty contracts. The ten-day moratorium had lapsed, and the jurisdictional pact was doomed.

On August 24, Chavez called a general strike in the Salinas Valley. This second strike, called to pressure the growers and Teamsters to end their alliance, was again widely heeded, and the crops of Salinas were abandoned just as they neared harvest. With a whine heard often in the South in the early sixties ("Our

niggers are happy here. . . .") the growers complained that "their" workers did not want to belong to Chavez's union and that outside agitators were persuading their people to strike. Pointing to the Teamsters, the growers said that their workers already had a "union." But it would not wash here, for the sentiment of the farm workers themselves was unmistakable. As one of them put it, "We've been waiting for Chavez for some time now."

Some 7,000 farm workers were out on strike against forty valley ranches by August 27; the crops were spoiling in the fields; and the price of lettuce was soaring in the supermarkets. At this juncture, the mood in Salinas was turning mean, and violence was erupting throughout the area.

From the day the strike began, organizers and striking workers had been subjected to physical attack. Beatings were commonplace. Growers, grower employees and "citizens" were armed, and many strikers were threatened at gunpoint; a few were shot. Despite complaints lodged by the union, the police made few arrests, in fact, and these few were of the striking workers, mostly for violating a temporary restraining order against picketing (an order obtained by the growers, but later declared unconstitutional). The state attorney general's office, although asked by the union to investigate the apparent breakdown of law enforcement in Salinas, would say only that it was considering whether or not to look into the situation. If it ever chooses to look, here are some of the acts of violence it would find:

¶On August 25, Jerry Cohen, general counsel for UFWOC, and three other union organizers entered the Hansen ranch in Salinas to check on the safety of some strikers. They were met by owner Al Hansen, ten pickup trucks and about fifteen men. Cohen refused to leave without first being assured of the welfare of the strikers. Hansen barked, "Get 'em!" Cohen was set upon by a giant of 290 pounds and by another man wielding a black-gloved fist. He was kicked in the groin and beaten unconscious—he suffered a concussion, loss of feeling in one arm and muscle spasms. The other UFWOC representatives fared little better. One of the attackers was alleged to be an organizer for the Western Conference of Teamsters. In spite of official complaints, no one has been arrested.

¶On August 25, a grower connected with Oshita Farms drove a Caterpillar tractor into a crowd of picketers and smashed into two pickup trucks owned by the farm workers. A sheriff's deputy, on the scene, did not intervene.

¶On August 26, an 18-year-old girl who works in the fields in the summer was punched in the mouth by one of several men who drove up in cars at the Pic 'n Pac field. They grabbed from her a flag bearing the union eagle and told her, "Your lawyer is dead; what's the use of striking?"

¶On August 29, eight cars and trucks in a caravan forced the car of a farm worker off the road. When he got out of his car, he was surrounded and beaten. When his wife tried to prevent the beating, she was hit in the face.

¶On August 29, Clofas Guzman was shot in the leg while on the picket line at the Pisoni Ranch near Gonzales, Calif.

¶On August 29, a Teamster, mistaken for a member of UFWOC, was beaten by a group of men who emerged from six cars at the picket line by the Salinas Marketing Co-op field.

Drawing from dozens of such instances, UFWOC filed suit against an assortment of growers, the Teamsters, and several individuals. They asked for an injunction against further violence. Judge Melvin Cohn, of the San Mateo Superior Court, making it clear to UFWOC where the local power establishment stood on this issue, dismissed the suit as a "publicity stunt." There was not even a semblance of judicial impartiality when the judge taunted UFWOC attorneys as being representatives of Cesar Chavez, "star of radio, TV and newspapers."

In spite of UFWOC's search through channels for some relief, the brutality continued. Chavez and the UFWOC regulars adhered strictly to their nonviolent convictions, but some of the local farm workers found it increasingly difficult not to fight back. Everybody—the growers, the Teamsters and UFWOC—deny that

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their people engaged in any violence, but it continued.

Increasingly, there has been fear that someone would die in the California agricultural struggle. Apparently, the national press has found the story unimportant—perhaps they are waiting for a death to give it news value. In any event, the virtual press blackout in the East has left people uninformed about what is really going on in California. There also has been silence in the Congress, with the commendable exception of Sen. Walter Mondale, who pointed directly at the Teamsters (though he did not name them) when he said on the floor of the Senate: "I intend to watch the situation in Salinas closely, and I have directed the staff of the [Migratory Labor] subcommittee to investigate the recurring charges and allegations of violence and intimidation." Decoded, his statement was a prayerful plea to the International Brotherhood of Teamsters to call off their boys.

The local judiciary, taking another shot at UFWOC, ruled that the conflict in Salinas was simply a jurisdictional dispute between two unions, and not at all a legitimate strike. Even though the Teamsters had the "contracts," and UFWOC had the signed "cards," the courts entered injunctions against UFWOC picketing. Because of this, and to protect the very lives of the striking farm workers, Chavez shifted tactics on September 17 from a local strike to a national boycott of non-UFWOC lettuce. He hoped that this gamble on a boycott would broaden the economic pressure on the growers and rally national support for UFWOC. More important, he understood that the boycott was the only way to ease tensions in Salinas.

Since August 24, when the strike began, the Teamster position has undergone several shifts. First, the Western Conference announced that it would honor the contracts with the thirty growers. Later, the Conference said it would allow recision if the growers agreed as a group. Then, on August 30, Einar Mohn granted an individual recision to Inter Harvest, which in turn signed with UFWOC. In the East, officials of the International Brotherhood of Teamsters assert confidence that their brothers in the West will pull out of field-worker organizing, but the International is not exerting any overt pressure, and Western Conference officials are noncommittal on future plans. While the Teamster hierarchy is being enigmatic, its locals are openly pitted against Chavez. They are now signing contracts in the Santa Maria and Imperial Valleys, and it is estimated that more than 200 contracts have been negotiated in California. In the state of Washington, the Teamster local in the Skagit Valley has vowed to fight UFWOC if it attempts to organize the berry pickers of that area. Undoubtedly, still more locals will get the idea that they, too, might increase their membership and dues by signing contracts with growers.

The only counter-pressure against the grower-Teamster alliance is the boycott. While the Teamster local in Salinas remains recalcitrant, despite the fact that it is without significant farm-worker support, boycott pressure has forced certain companies to break away from their Teamster contracts. Purex, fearing consumer reaction against its nonagricultural products, has signed a contract with UFWOC over the opposition of its Salinas agricultural division, Freshpict. United Fruit's Inter Harvest capitulated early in the fight, the parent company fearing a boycott of Chiquita bananas and A&W root beer. Pic 'n Pac, a division of S.S. Pierce, has also signed to avoid consumer retaliation.

Having brought about the recision of Teamster contracts with these national giants, and having brought perhaps 20 per cent of the iceberg lettuce under UFWOC jurisdiction, Chavez faces the long fight for the remaining 80 per cent—not to mention other crops. Some large growers, like Bud Antle, have national connections (C.F. Weaver, a member of the board, is president of the Dow Chemical Financial Corporation), but others are unknown to the consumer. To bring these low-profile growers to terms, Chavez must rely on the effective machinery he built during the long grape boycott.

As of now, the UFWOC boycott is operating in twenty-four major cities, and boycotters soon will be working out of sixty-four cities. On the side of the farm workers' union is the fact that lettuce, unlike grapes, is highly perishable and that the consumer can buy some UFWOC and some nonstruck lettuce. Working against the union is the fact that lettuce is a staple, not a luxury like table grapes, and that the consumer is bound to be confused by lettuce bearing union labels that deceptively refer to the Teamsters' union.

Already, the growers are organizing a highly sophisticated anti-boycott operation. A new organization—the Free Marketing Council—has been formed. It is backed by the Western Association of Growers, the California Growers Council, and the Vegetable-Shipper Grower Association of Salinas, and is headed by Daryl Arnold, who resigned as northern divisional manager of Freshpict, when Purex recognized UFWOC. Well financed, the Free Marketing Council is urging consumers to purchase all lettuce: nonunion, Teamster and UFWOC.

Against the counter-propaganda, UFWOC must attempt to carry out its own educational effort. Its argument is that only one union, the UFWOC, represents workers in California. It can show that, for the most part, the Teamster contracts are merely agreements with growers, not agreements with farm workers. It can prove that workers, unless coerced, have signed with UFWOC. While Teamster contracts call for an increase in wage benefits to $1.85 an hour, UFWOC negotiations have yielded increases up to $2.20 per hour. Moreover, Teamster contracts make no provision for such important benefits and protections as hiring halls, standby time, pesticide bans, retirement funds, no-discrimination clauses and general community improvement funds.

Meanwhile, the growers, running in tandem with a free-wheeling group of Western Teamster locals, continue

LAST CHANCE

Due to increased costs, we have been forced to raise the subscription price of *The Nation* to $12.50 for one year, and $23 for two years. A letter was sent out to subscribers on September 19 announcing the increase, and offering to extend subscriptions at the old rates if payment was received before October 30. As this issue goes to press, we remind our readers that the time is about to expire. Renew now!

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their tactics of collusion, intimidation and violence. The state attorney general is finally investigating the many charges of such lawlessness, but only a couple of weeks ago, windows of the UFWOC headquarters in Salinas were shot out by gunfire. Teamster organizers are threatening workers in the Imperial Valley with loss of their jobs unless they sign up. They are using labor contractors (one of the main exploiters in the agricultural worker's life) to do the intimidating.

UFWOC is moving next into the Imperial and Yuma Valleys of California, down at the southern end of the state. Chavez, visiting the Imperial Valley late in September, announced at a press conference that he would call a strike against the lettuce growers of that area, but did not set a date. That is where the Thanksgiving and Christmas harvests of lettuce are grown, and the crop will be ready for picking in another month. A UFWOC squeeze on the sale of this holiday-season lettuce—with a strike in the southern valleys and a boycott nationally would be hard for the lettuce growers to endure. Additional violence is possible. At the very least, a tough fight is ahead. □

THE SECURE COURT

JUSTICE IN VIOLENT TIMES

STANLEY MOSK
Justice Mosk, the former Attorney General of California, now serves as a justice of the California Supreme Court.

We are coming to recognize—and some to accept—that ours has always been a violent society. Indeed, the specter of violence has not been unknown within the temples of justice. A classic tale, perhaps apocryphal, is that of Judge Robert Williamson of the Republic of Texas. Arriving on circuit in a lawless community, he found strong opposition to court expressed in a petition presented by the leading desperado, a lawyer. "Under what law do you submit your petition?" the judge growled.

"This is the law," the petitioner declared, laying a Bowie knife on the table.

"And this is the Constitution," roared Judge Williamson as he drew his six-shooter from its holster. "The Constitution is higher than the law. Court is now open."

During the first few decades of the 20th century there were many forceful courthouse seizures of defendants for the purpose of public lynchings. Physical lynchings have long since gone out of vogue, but courtroom shoot-outs continue, generally in the context of a frenzied assault by an emotionally disturbed husband unable to cope with the torment of divorce litigation. Judges, lawyers, litigants, court attachés have been the random targets and sometimes the victims of such attacks.

But until recently, courtroom violence has been episodic, never repetitive or anticipated, nor deemed part of the rubric of American life. Now there is widespread apprehension that the pattern has changed, that we are experiencing a new phenomenon: calculated violence for political purposes. This has invoked a pervasive concern over actual and potential courtroom disturbance. At a conference in Los Angeles in September, assembled judges analyzed and discussed the subject almost to boredom.

Courtroom disturbances can be placed in three general categories. The first type is the interruption of proceedings by defendants in a criminal case. An illustration is the trial of the Chicago Eight, which has been widely publicized and debated, the issues being whether their conduct was deliberate or provoked by overreaction from the bench, and whether it was reprehensible in either event. These matters remain to be decided in the course of appeals pending before the Seventh Circuit.

A second aspect of courtroom disturbance is the dishallowing of proceedings attributable to the excessive zeal of counsel. At what point an attorney, serving as an aggressive advocate of his client's interests, crosses the line into contemptuous behavior is also to be decided in appeals resulting from the Chicago trial. It seems clear that there must be such a point, if a trial is not to become totally cacophonous.

The third category of offense against the essential orderly and contemplative judicial atmosphere is obviously the most dangerous: armed attacks upon judges, jurors, and court attachés, as most recently dramatized in the killing of a judge and others in San Rafael, Calif. Because the assault there was committed by a group of avowed revolutionaries, it is feared that it may prove not to be an isolated episode. Indeed, law-enforcement officers have confidentially reported to judges in the San Francisco Bay Area on at least two subsequent occasions that schemes were contemplated either to assault certain judges or to seize them as hostages. Plainclothes officers were assigned for protection in each instance.

Since San Rafael, a much greater consciousness of security has been manifest. Courtrooms are now being locked between sessions, judges' chambers are barred to all but carefully screened visitors, courtroom spectators are scrutinized for packages and for unusual movements, visitors to court buildings are frequently frisked, lawyers' briefcases are examined, and bailiffs are openly wearing arms. In short, we are departing from the free, open, intellectual atmosphere in which the judicial process can best undertake the truth-seeking function, and replacing it with a garrison environment. The question we shall have to ask more and more in the days ahead is whether the departure is necessary.

The ultimate development has been the holding of hearings in an improvised courtroom within the walls of San Quentin prison. No actual trial has been held there yet, but arraignments and preliminary proceedings have been processed and trials were contemplated for inmates

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charged with the commission of felonies while in prison confinement. These would have been the stabbings, assaults and sodomy that are the inevitable product of modern prison life—attributable to, as both George Bernard Shaw and Dr. Karl Menninger have termed it, the crime of punishment. Although the San Quentin experiment appears to have been shelved for the moment (Marin County judges having had second thoughts about it), we can expect other states to consider adopting a similar program.

A courtroom behind prison walls raises the perplexing question as to whether proceedings held there violate the constitutional guarantee of open and public trials. Legal authorities appear to be choosing sides, and sooner or later a high court challenge is inevitable. Like most good questions of law, this one is debatable.

The concept of guaranteeing a public trial to an accused has its roots in our English common-law heritage. The traditional Anglo-American distrust of trials held in secrecy has been variously attributed to the use of this practice by the Spanish Inquisition, to the excesses of the Star Chamber in England, and to the French monarchy's abuse of the *lettre de cachet*. These institutions in their time symbolized a menace to liberty and in the hands of despotic groups became instruments for suppressing political and religious heresies.

Thus from the earliest days of our Republic the right of an accused to a public trial has been deemed of such surpassing importance that any statute or court order purporting to limit or qualify the right has been strictly construed in favor of the general principle of publicity. An early Ohio case held that a rule of court excluding all except officers of the court, witnesses, relatives, newspaper men and those having special permission from the court violated the constitutional guaranty. The Michigan Supreme Court held even more emphatically in 1891: "The defendant by the Constitution was guaranteed a public trial, not one behind locked doors; he was guaranteed a trial to which the public was admitted, not part of the public and part of the time, but the public generally and all of the time."

On the other hand, some cases, like a 1917 California decision, have held that as long as there are some persons in the courtroom and no discrimination is practiced as to the presence of those permitted to remain, a trial does not lose its public character. Judge Cooley, in his definitive work on constitutional limitations, indicates that the requirement of a public trial "is for the benefit of the accused; that the public may see he is fairly dealt with and not unjustly condemned, and that the presence of interested spectators may keep his triers keenly alive to a sense of their responsibility and to the importance of their functions; and the requirement is fairly observed if, without partiality or favoritism, a reasonable portion of the public is suffered to attend, notwithstanding that those persons whose presence could be no service to the accused, and who would only be drawn thither by a prurient curiosity, are excluded altogether."

One discerns in the trend of decisions that there are permissible exclusions from court trials: persons who fail to maintain proper decorum and who otherwise interfere with the administration of justice; juveniles whose morals might be affected by the particular proceedings; those whose numbers cause the courtroom to be overcrowded; those who by chance must be excluded in order to make room for witnesses, relatives and friends of the accused. A number of other circumstances are deemed acceptable.

Whether an express waiver of a public trial by the accused justifies a totally closed session of court is debatable. In some jurisdictions the courts have indicated that the open session is for the benefit of the defendant, and that he may therefore forgo that benefit if he knowingly so chooses. In other states, it has been held that the public trial is for the protection of the public, and may not be waived by any individual, absent extraordinary circumstances.

Most public trial questions fall into the several areas discussed above. So far as readily appears, a courtroom within prison walls has not heretofore been projected and thus has not received high court attention. The problem in this instance will not be total exclusion, for admission of at least some members of the public by prison pass undoubtedly would be contemplated. The conflict will be over the relative inaccessibility of the courtroom and the prison, and the exclusion of certain classes of persons; e.g., most prisons prohibit visits by parolees. At issue, too, would be the potential emotional effect upon jurors, some of whom might become apprehensive or vengeful, others sympathetic or maudlin.

An analogy to prison courtrooms can be found in the Eichmann trial in Jerusalem, in which the defendant was confined in an isolated bullet-proof glass enclosure erected in the courtroom. The prosecutor, Gideon Hausman, in his book *Justice in Jerusalem*, wrote that "There were good reasons for our precautions. Some Nazi circles were most anxious to silence Eichmann, who possessed a mine of information on many criminals still on the run. Suggestions that he should commit suicide were made to him in letters and postcards. Some were artfully disguised, like a set of chess problems numbering fifty-five (Eichmann's exact age) all ending with a stalemate. . . . More directly suggestive was a postcard drawing Eichmann's attention to its beautiful new stamps. Beneath them was glued half a sharp razor blade, well suited to cutting one's veins." Hausman also pointed out that "The court building was carefully guarded. It was surrounded by a steel-mesh fence and admission was allowed to bearers of passes only."

On the other hand, Israel does not have a constitutional guarantee of a public trial as precise as our Sixth Amendment.

Whatever its validity, the prison courtroom is symptomatic of our new fetish for security. Here, as with some of the protective measures being installed in regular courtrooms and courthouses, we witness the development of a judicial Maginot line. While a case can be made for some of the current precautions that curtail ready access to public buildings, the likelihood is that the restrictions will continue indefinitely. Circumscription of freedom in the name of emergency has a way of outliving the emergency.

It is also axiomatic that hysterical people do not recog-

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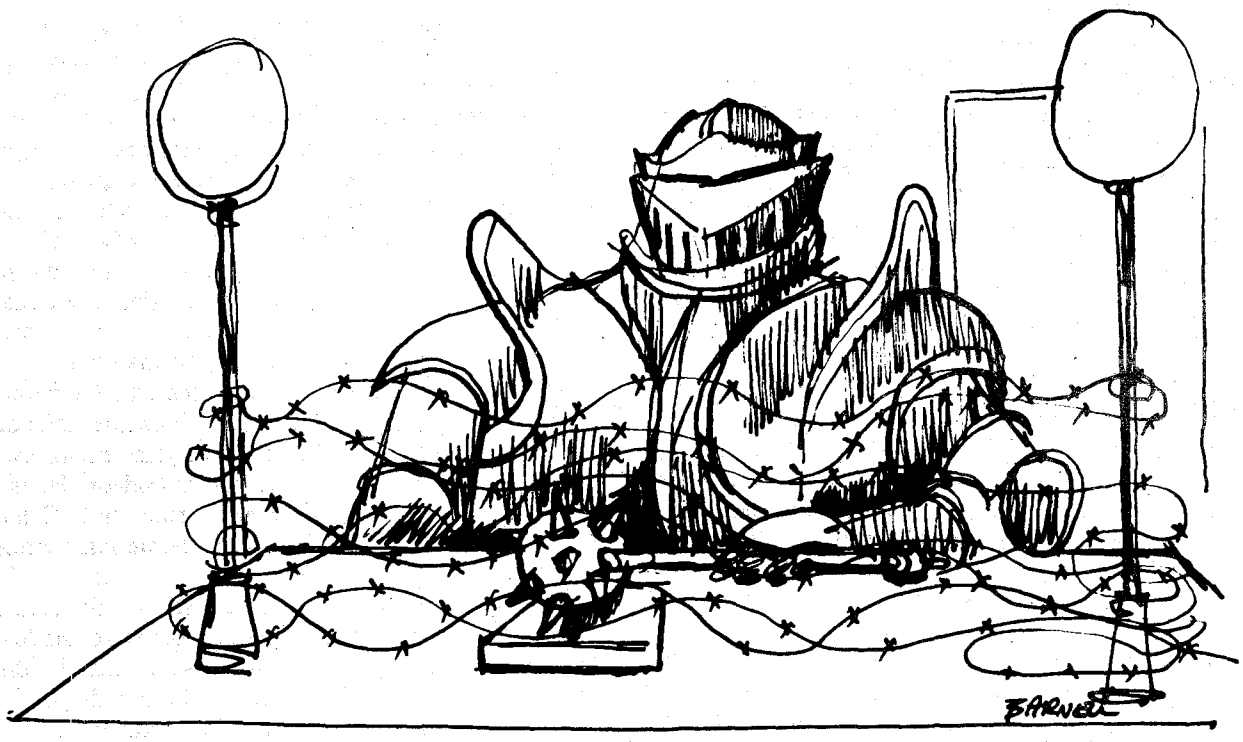
nize their hysteria. Thus there is a grave danger that our fears may obscure the point at which activities designed to achieve a measure of tranquillity become, in fact, counterproductive. That point, I suggest, is reached when an overemphasis on security causes us to neglect the more basic shortcomings in our system of justice.

The main problem in the administration of justice today is the unconscionable delay in bringing cases to trial and in reaching final decisions on trial and appeal. Thus we should look with suspicion at any additional burdens imposed upon the expeditious administration of justice. More than a decade ago Professors Zeisel, Kalven and Buchholz of the University of Chicago pointed out that "Delay in the courts is unqualifiedly bad. It is bad because it deprives citizens of a basic public service; it



is bad because the lapse of time frequently causes deterioration of evidence and makes it less likely that justice be done when the case is finally tried; it is bad because delay may cause severe hardship to some parties and may in general affect litigants differentially; and it is bad because it brings to the entire court system a loss of public confidence, respect and pride."

This is not to suggest that court delay is necessarily a contemporary phenomenon. A lawsuit between Nuremberg and the electorate of Brandenburg began in 1526 and was undecided when the German court was dissolved in 1806. Dickens memorialized court delays in *Bleak House,* Chekhov and Molière have written tragedies based upon it, and Goethe became so disenchanted with the delays that he abandoned a promising law practice to pursue a more productive career.

But judicial delay that may have been accepted as commonplace in times past has been increasingly subject to challenge. Justice may be blind, it has been said, but it need not be so slow.

One approach to achieving more speedy trials is to eliminate from the criminal law those subjects in which it has invaded the spheres of private morality, so that it may concentrate on its primary tasks of considering offenses against the public peace. Basically, contends Prof. Norval Morris of the University of Chicago, man has an inalienable right to go to hell in his own fashion, provided that on the way he does not directly injure the person or the property of another.

Unquestionably, as the result of our overreaction to what we deem to be criminality, our prisons are deficient and vastly overcrowded. Forty years ago the American Prison Association warned that no prison should confine more than 1,200 inmates. Today more than forty-five American penal institutions contain more than 1,200 inmates, and such prisons as the state prison of Southern Michigan, San Quentin in California, and the Ohio penitentiary at Columbus warehouse more than three times that number. By contrast, for the 5,000 prisoners in Sweden, there are eighty-eight prisons with a wide range and diversity of institutional programs.

The law, too, must concentrate on providing equal justice for the poor. Significant steps have been taken, but we have far to go. Atty. Gen. John N. Turner of Canada, in a remarkable address to an American judges' conference last year, pointed out that we "must disabuse ourselves of the myth that poverty is somehow caused by the poor. We must recognize that the law often contributes to poverty. We must understand that whereas the law for most of us is a source of rights, for the poor the law appears to be taking something away." This, he noted, was evident in a wide variety of fields: the criminal law, landlord and tenant, creditor and debtor, public housing, consumer protection.

I have merely scratched the surface in suggesting areas upon which those entrusted with the administration

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of justice should concentrate, rather than become wholly preoccupied with security. We shall accomplish little if we erect bastions of physical safety, and in the process ignore the needs of fundamental justice. Justice William O. Douglas concludes in *Point of Rebellion* that the "truth is that a vast restructuring of our society is needed if remedies are to become available to the average person. Without that restructuring the good will that holds society together will be slowly dissipated. It is that sense of futility which permeates the present series of protests and dissents. Where there is a persistent sense of futility, there is violence; and that is where we are today."

As is often the case, our current dilemma is not unprecedented. Indeed, it may have been anticipated by the founding fathers. "Safety from external danger," Hamilton warned in the great debate over the adoption of the Constitution, "is the most powerful director of national conduct. Even the ardent love of liberty will, after a time, give way to its dictates. The violent destruction of life and property incident to war, the continual effort and alarm attendant on a state of continual danger, will compel nations the most attached to liberty to resort for repose and security to institutions which have a tendency to destroy their civil and political rights. To be more safe, they at length become willing to run the risk of being less free." □

BLIND DATES in the SUPERMARKET

JENNIFER CROSS
Miss Cross is the author of The Supermarket Trap *(Indiana University Press). The book developed from earlier articles published in* The Nation.

One of the most interesting items of mail to arrive on Capitol Hill recently was a jar of Heinz baby food, purchased last April by a woman in Louisiana. Was the sample an old one, she inquired, or had Heinz failed to comply with the Fair Packaging & Labeling Act by leaving the zip code off its address? It did not take much investigation to reveal the jar's guilty secret—it was more than eight years old and, of course, spoiled.

This case history, which now occupies pride of place in Rep. Leonard Farbstein's chamber of horrors, illustrates a problem every housewife faces when she goes shopping—how to be certain that the food is fresh? To be sure, little old ladies still pinch the produce, and millions of mothers continue to squeeze bread. Unfortunately, today such Yankee horse-trading techniques often do not work, since the revolution in packaging food technology either conceals the product from view or, by the ingenious use of chemicals, masks or retards spoilage. While most food is wholesome, almost everyone has at some time brought home a pound of rancid butter or a dubious brace of lamb chops, which may or may not have been returned to the store, and which the store may or may not have replaced.

The extent of this problem, and the amount of irritation it causes shoppers, did not make the headlines until after last November, when Mr. Farbstein and fifty-eight other Congressmen introduced H.R. 14816, which would require manufacturers to mark canned and packaged food with the clear (regular calendar) date when it should be retired from the shelves.

In recent months thousands of consumers have complained to Mr. Farbstein about soup so old it almost had to be chiseled out of the can; milk that soured the day after it was opened; insects that lurked in packaged food; foul-smelling sausage or cottage cheese; addled eggs; stale candy, and a number of items which had been thawed and refrozen. Other people griped that although many packages already had a pull date on them, they were given in a jumble of code letters and numbers which neither they nor often the grocery clerks could decipher. Why should they have the bother and expense of making a return trip to the store, particularly as a few managers declined to make good on the merchandise?

The complaints of these shoppers were confirmed by two Congressional surveys in Washington, D.C., and by local newspapers in Minneapolis, Detroit, Rochester, N.Y., Richmond, Va., Phoenix, Philadelphia, Louisville, Chicago, Miami and the San Francisco Bay Area.

Very few of the stores inspected were without one or more items of perishable food which had outlived the code pull date. Suzanne Hovik of the *Minneapolis Star* summed it up: "Admittedly, unfresh food is the exception rather than the rule when the total number of items on the shelves is considered. Nevertheless, unfresh food is there for sale, often right next to fresh food. You could easily spend money on food that may not be as tasty as fresh food, may not be as nutritious, or worse yet, may not be safe." She added that the life of such food in shoppers' refrigerators was considerably reduced.

Mr. Farbstein also discovered that neither the food industry nor the government was being entirely honest in their advice to shoppers on the life of processed food. "How long will canned foods keep?" asked the National Canners Association in their handout booklet to the public. "Indefinitely, if nothing happens to the container to cause a leak," said the NCA, though both it and the Food & Drug Administration, which dutifully reprinted the message, conceded that "extremely long storage at high temperature may result in some loss of color, flavor, appearance, and nutritive value."

Alas, nothing lasts forever! A study made by the U.S. Army Laboratories at Natick, Mass., showed that in fact canned foods have a very variable shelf life, which can be halved or quartered by storage at high temperature. Particularly vulnerable are high acidity foods, like tomatoes or sauerkraut, which may develop gas and bulging cans, and cold packed or dry foods, which eventually turn rancid or lose their water-soluble vitamins. The life span of frozen foods is similarly variable, said

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the Army, even at 0° F., the recommended storage temperature. Fragile items like frankfurters, patties and other processed meats, are good for no more than one to three months; frozen juice concentrate will last two to three years; most other foods expire somewhere in between.

On the face of it, nothing could be simpler than Mr. Farbstein's bill, which would both reassure customers that their food was fresh, and enable store personnel to remove stale merchandise without having to unscramble the codes, or wait for the delivery man to do it for them. Yet Mr. Farbstein has little hope that his bill, or Sen. Joseph Montoya's companion version in the Senate, will come to early vote. The issue of open dating has uncovered a mare's-nest of problems and disagreements throughout the food industry.

As of now, some eight supermarket chains have installed open dating on some perishable products. They are Safeway (which has had some open dating for years, but kept very quiet about it); Jewel, Hillmans (Chicago); Chatham Supermarkets (Warren, Mich.); Stop & Shop, and the Star Market Co. (Boston); Great Scott Supermarkets (Detroit), and Ralphs (Los Angeles). None of these will admit that *their* company has a problem with stale food; they are making the gesture in the interests of good public relations, and (privately) to improve

profits and tighten up inventory control. So far, they seem to be doing well by doing good, at least if one judges by the Jewel Company's increased profits, and the success of Safeway's first publicity campaign about open dating of dairy products in Washington, D.C.

Other food industry reactions are typical of any big business under consumer attack, the rules of the game being to deny that the problem exists, to blame the customer for causing it, and finally to threaten that any solution will cost the public a packet. The line was laid down by that seasoned campaigner, Clarence Adamy, president of the National Association of Food Chains. The two District of Columbia surveys, he said, made no sense. Stores were in business to sell fresh food. A little while later he reassured a food industry convention: "We have nothing to hide. We have no reason to be defensive, because it is now and it has always been in our best interest to be fair and open and above board."

The *real* problem, said Mr. Adamy, and scores of retailers around the country, is the housewife. If we have open dating, she will paw over the shelves like some diligent raccoon, selecting the freshest food from the back. By ignoring perfectly good stuff at the front because its pull date is nearly up, she will *increase* the rate of spoilage, and end up paying more at the checkout counter.

While reactions from food manufacturers have been mixed, some, especially dairies and bakeries, are positively ferocious in their opposition to open dating. A spokesman for Christopher Milk screeched at a *San Francisco Bay Guardian* reporter that it would "raise the cost of milk 50 to 100 per cent for the poor people of the city." A Lagendorf Bakeries distributor snapped: "Open dating is useless. You just get housewives confused. Fresh bread isn't good for you anyway—it's not healthy."

More seriously, Representative Farbstein reports a number of attempts by food companies to force the media to kill or modify news stories on the subject. *The Miami News* was blackballed by three major chains (Publix, Winn Dixie and Lucky), two of which withdrew their advertising. As a result of chain pressure, a critical article in the *Chicago Sun-Times* was rewritten, and a second in the *Chicago Daily News* was scrapped entirely.

This belligerent panic has blown up with very little supporting evidence from customer behavior. How can stores know in advance what shopper reaction will be to open dating? The fact is that few women read labels beyond a cursory look at the price and brand name. Fewer still would have the time to fetch items out from the back of a loaded display cabinet. A customer who *trusts* her supermarket is far more likely to glance at the pull date to make sure it is current. Only if she is suspicious will she grope for the freshest item.

Denmark, France and West Germany, which already have extensive open dating, find that it encourages customer confidence and improves sales. Early experience in this country suggests the same. Jewel has enjoyed larger profits and improved inventory control since its switch last July. Safeway reports improved sales and no rumpled merchandise; so does Pillsbury, which for some time has put open dates on its frozen dough products.

Then what is the food industry *really* afraid of? Are we eating even more stale food than the surveys suggest, or at least food that is past the prime of life? Are stores afraid that their farm-fresh image could not stand the shock of this revelation? The businessman is habitually reluctant to do anything when *forced* to it by the federal government, particularly if the change may not yield a profit. However, in this case, that is only part of the trouble.

One snag is a more or less chronic dispute between supermarkets and manufacturers as to which of them shall pay for spoiled and damaged merchandise. A recent industry survey shows that 70 per cent of all spoilage (including breakage) takes place before the goods reach the store. Obviously, much of the cost of this (though

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not the profit) can be recovered through insurance. But most stores would prefer a spoilage allowance or guaranteed refund from the manufacturer. At present these are granted for only a limited number of items, such as cookies, crackers, snacks, national brand (but not private label) bread, and for small, higher priced (but not bulk, low-priced) orders of milk. On high-spoilage items like meat, produce and frozen foods, stores must carry the whole risk. Stop & Shop, the Boston food chain which switched to open dating, ran a series of ads trying to persuade food manufacturers to foot the bill for out-of-code food. The response has been poor, leading a spokesman for the chain to complain that "manufacturers are not really interested in consumerism or sanitary food stores."

A second difficulty is the need to improve handling and sanitation standards throughout the industry, to reduce both food spoilage (unlovely but safe) and food contamination (which can cause sickness). At the manufacturing end, carelessness or lapses in control provoked Dr. James Goddard, a former FDA commissioner, to complain four years ago to the Grocery Manufacturers of America about flotsam and jetsam left by rats, birds and insects, and to inquire: "Why do we still have to expend so much of *our* manpower to destroy so much of *your* product in seizures for filth?"

The situation has not improved. A recent quarterly FDA report noted "a serious regression in sanitary standards in the food industry," and complained that food inspectors were having to work overtime to cope with increased consumer complaints. Salmonellosis and other types of food poisoning continue to fell an estimated 2 million people a year, and that number is quite apart from the thousands of more dangerous or even fatal food-and water-borne illnesses such as botulism, infectious hepatitis and bacillary dysentery. While part of the trouble is bad handling, rather more is due to food contaminated at the source, particularly processed fish and meat, sausage and some egg and dried milk products.

Breakdowns in refrigeration may occur at any stage of the production-distribution chain. Some of this is caught by the FDA, which condemns any food it thinks may be unsafe. One instance was reported to Mr. Farbstein by a shopper from Milwaukee, who noted that a two-and-a-half-hour power failure turned the frozen foods in her local A&P to slush. Told by the clerk that they were going to remove the food and refreeze it, she reported the incident to her local health department. But she still wondered "how many stores with the power failure did the same thing with no one reporting it?"

Even delivery men can add to the stores' problems of spoilage and inventory control. Sometimes milkmen skip a delivery, particularly to small stores, gambling, not always rightly, that the existing stock won't spoil. Quite often, bakery men, engaged in "slugging" their competitors, deliberately load customers' shelves with more bread than they think will sell.

Obviously, open dating will not solve all these problems. It will not prevent the sale of some contaminated food or, necessarily, improve the level of food handling throughout the industry. Here, more drastic measures are needed—the setting and application of microbiological standards of contamination for highly perishable foods, starting with meat, which the U.S. Department of Agriculture has begun but not completed. Higher and more uniform standards for the lower temperature at which foods should be stored would help; notably an adherence to the AFDOUS (Association of Food & Drug Officials of the United States) frozen food code, stating that frozen food must be kept at 0°F. Now this code is voluntary, and adopted by only six states, though it is used as a guideline by some twenty others. More money for federal and local food inspection is also needed, combined with a reversal of the present FDA policy of self-certification by food manufacturers, and the diversion of inspection manpower away from food and into more pressing areas such as drugs.

Open dating should not be applied without some federal-industry standards to make sure that food manufacturers cannot gain a competitive advantage by bragging about the extra freshness of their particular product. In this context, much more customer education is needed. The customer must be told how long perishable foods will keep in her home, and to be reassured that food bought on or just before the pull date will not spoil the very next day. Unless she is convinced that a safety margin exists, the food industry's prediction of an increase in rejected merchandise may well come true.

Despite its limitations and problems, open dating would certainly be a boon to careful shoppers. Since we are already paying, one way or another, for stale and spoiled food, let us at least be sure that we know what we are getting, and that the food we actually buy is as fresh as possible. In the long run, this may also benefit the food industry, by starting a process whereby stores improve their handling and inventory control, and lean on suppliers to do the same. But will we *get* open dating?

Representative Farbstein modestly hopes to get HR 14816 out of the House Commerce Committee for general hearings this session. So far, nothing has come from his second line of approach, to petition the Federal Trade Commission to include an open-dating requirement under Section 5 of the Federal Trade Commission Act. Next year, unfortunately, Mr. Farbstein will have left Congress (he failed to win his New York Democratic primary). His "baby" will be in other hands, possibly some of his fifty-eight co-sponsors who may reintroduce the bill. In the end, it will be up to Consumers Union, the Consumer Federation of America and other citizens' groups throughout the country to try a little harder to convince the food industry and Capitol Hill that fresh food can be good politics *and* good business. □

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BOOKS & THE ARTS

Love, Art and Money

LOVE & FAME. *By John Berryman. Farrar, Straus & Giroux. 112 pp. $5.50.*

HAYDEN CARRUTH
Mr. Carruth is a poet, novelist and critic. He is the author of After the Stranger *(Macmillan), and the editor of the just published* The Voice That Is Great Within Us: American Poetry of the Twentieth Century *(Bantam Books).*

John Berryman's new book of poems is in some respects, as the advance rumors have warned us, a departure from earlier work; but not after all, as we come to look at it, much of a departure. True, Berryman now is writing *in propria persona,* without the concealments and dramatic voices of his *Dream Songs* and *Homage to Mistress Bradstreet*; he is writing with candor about his own explicit autobiography; he is writing in simpler, more accessible language than that of earlier poems. But these are changes in degree only. They are not real departures, not reversals or innovations.

The contrast with Robert Lowell is irresistible, partly because the change in Berryman's poetry offers an apparent parallel to Lowell's change twenty years ago from the ornate, sharply formal poems of *Lord Weary's Castle* to the simpler, more personal poems of *Life Studies*. Beyond this, the two poets are the same age, of roughly the same background (Eastern private schools, Harvard and Columbia, etc.), of similar literary origins (the New Criticism, the war, etc.). They are even, according to Berryman, close friends.

When I was writing about Lowell a couple of years ago I said that I thought the term "confessional," which had been applied to his autobiographical poems by several critics, was unfortunate because it suggested an aim far less than his real intention. What Lowell was doing in those poems, I think, was exploring his own and his family's life, in extreme seriousness, to see if he could give that body of experience an imaginative organization strong enough, in the face of the depersonalizing force of a modern collective and techno-maniacal world, to stand as an integrated structure. A will, a personality, a being. He was trying to create a life: his own.

Perhaps such an effort can never succeed, can never rest in achievement, since being finished would mean an end of creation and of life. The value of the autobiogenetic stance in art consists in the effort and the continuing trial. But the point here is that Berryman's new poems give little evidence of trial. They have no real seriousness or creative force, but only a kind of edgy exhibitionism. They are precisely confessions and nothing more; except when they are something less, i.e., brags and rants. On the side of "fame," Berryman writes repeatedly and smugly about the success of his books, about his fattening royalties and increasing fan mail, about his honors and his acquaintanceships with exalted people. On the side of "love," where he is even less prepossessing, he gives us schoolboyish bragging exploits, the sequence of pickups and mistresses for thirty-five years, while his three wives get half a line and his children scarcely more, though he says somewhere that children are one of the three "points" of life. The other two, he adds, are "high art" and "money in the bank."

It is all full of self-contradiction, special pleading, vagueness. What emerges is not a personality, not an integrated being but only a splotchy muddlement of crude desires. Toward the end there is some attempt at greater seriousness. The last poem in the book, which is also the longest, is a religious poem, forthright in its devotional feeling and in some passages almost moving, until in the midst of it we are informed, in a tone half-blustery and half-sneering, that the poet's conversion occurred "three weeks ago day before yesterday." He seems to be saying, "If you believe this you'll believe anything." In a saint or mystic we might accept that, though not without a strain; we might even celebrate it. But in this boasting, equivocating secularist? What does he take us for?

Some readers may say that these matters of substance have no ultimate importance aesthetically and should not concern the critic, whose job is to examine, not the experience but how the experience is turned into poetry. I do not agree. A critic has moral as well as aesthetic obligations, and certainly a journalist-reviewer, as distinct from a critic, has a duty to report the substance of books which he has seen before they are available to the public. Other readers may say—a more cogent objection—that the substance of Berryman's poems is exactly the hang-up between faith and skepticism, self-reliance and self-doubt, hope and despair, which we all know; it is the experience of vacillation, experience with a negative value, the modern experience par excellence, and there is no intrinsic reason why it should not be made into good poetry. Here I do agree. Who wouldn't, with so many splendid examples—Theodore Roethke, for one—before us? But Berryman has not done it. His experience remains raw and unstructured and far from good poetry.

Which brings us to the crux of the matter, the poetry itself, the language and verbal style. Repeatedly Berryman congratulates himself for his ear and his sense of metric; once he even congratulates God. He is delighted with his "gift." But where is it? What is it? His ability to wrench syntax out of every convention while remaining, though barely, within the bounds of a possible grammar? He is famous for this, of course. But it has nothing whatever to do with metric, it has damned little to do with poetry in general, and I confess I see nothing else in his work. I always thought his earlier poems, with their surface jumpiness, had no metric at all, or scarcely any; they move, not with the basic, consistent cadence of essential poetry but only with their own meretricious push and thrust of hyperbolic and unexpected phrasing. They move, stiltlike, on Berryman's peculiar rhetoric. Now in the new poems, where the language is simpler, I see my feeling confirmed, for with a modified rhetoric the lack of meter is more than ever obvious. Here are a few lines, random but characteristic (from "The Heroes"):

They had to come on like revolutionaries,
enemies throughout to accident & chance,
relentless travellers, long used to failure

in tasks that but for them would sit like hanging judges
on faithless & by no means up to it Man.

This is a good deal easier to read than the earlier heavy contortions, and I suppose we should be grateful for that. We would be, if it weren't so flat. These lines are limp. They have no meter at all,

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nothing to sustain the modified but still deviant syntax. The norm of English pentameter which in theory lies behind the poems has become putative only, and hence no help to the poet, and his ear has invented nothing but sentence structure to replace it. Here are a few lines from another poem with complex syntax, bearing about the same relation to poetic convention:

Sometimes since you don't love me any more
I cannot find an animal spirit
to move my feet,
or one quits and leaves me in the street
among the buses and the traffic's roar

as if I were deep in thought, but I am not
—until the animal spirit that preserves
me still alive
takes care of where I am and slowly drives
my feet their way across the street.

These lines are nothing exceptional perhaps. But am I wrong, doesn't the meter here do its work, both by keeping syntax in order and by making it move? Doesn't it give these lines liveliness and even a minor elegance? I think so. But unfortunately for Berryman (and many of the rest of us), they are by Paul Goodman.

As for diction, we have on the one hand Berryman's well-known colloquial cuteness, out-Audening Auden, as in the "faithless & by no means up to it Man," or elsewhere the pitiful death of Peter Warlock who had just "knocked himself off"; and on the other his deliberate archaisms, inversions, the use of fusty words like "moot" and "plaint." Archness, what we used to call the sophomoric: in parts of the *Dream Songs* he almost brought it to a pitch intense enough to make an honest effect. But the more I think about those poems, and then about these new slighter ones, the more I think that that effect, too, was meretricious, a product of verbal *bizarrerie*. Finally, there are Berryman's rhymes. They have always been uninteresting, sometimes awful, and they have not improved. The worst poem in the new book, "The Minnesota 8 and the Letter-Writers," is also the only closely rhymed poem.

In reviewing one of Berryman's earlier books I tried to trace a development in his contorted syntax from his first poems to the *Dream Songs*. I knew I didn't like his style, and had never liked it, and out of diffidence or a desire to avert my bias I leaned backward to find some innate necessity or naturalness in Berryman's writing. But now he has confessed, in a poem called "Olympus," his source, quoting it entire: "The art of poetry is amply distinguished from the manufacture of verse by the animating presence in the poetry of a fresh idiom: language so twisted and posed in a form that it not only expresses the matter in hand but adds to the stock of available reality." That is a well-known sentence, or at least it once was, written by R. P. Blackmur and published in *Poetry* in 1935. It stood alone, intended as a wonderful critical *aperçu*, and it suffers the faults of most such attempted distillations: sententiousness and incompleteness; but it hit Berryman hard. "I was never altogether the same man after *that*," he writes, and goes on to say how eagerly he sought out Blackmur's other writings. No doubt the essays on Yeats, Eliot, and the early Wallace Stevens particularly impressed him. But where are naturalness and necessity now? This seems a case where one of the New Critics actually achieved what they all patently wanted, not only the control of taste with respect to poetry already written but the control of poetry still to come. Yet must "fresh idiom" mean "twisted and posed"? And does language ever add to "available reality"? We know the danger of that old fatuity; and doubly dangerous it was for Berryman, I think, because it led him, in its arrogance and his own, to infer, by transversion or contraction or mere muleheadedness, that *poetry* as well as verse might be manufactured if only one could invent a fresh idiom in language twisted and posed. This is an oversimplification, more would need to be said in any comprehensive discussion of Berryman's work, but it is still very close to the heart of the matter; and the proof, I believe, lies on every page of his books.

The time has come, surely, to say that Berryman's poetry is usually interesting and sometimes witty but almost never moving, and that in spite of its scope and magnitude it lacks the importance that has been ascribed to it in recent years by many critics, editors and readers. The "fame" that so much delights Berryman is inflated. When we consider other poets of his generation who have worked in the same general poetic convention—I say nothing of those in other conventions—we see that they have been making poetry while Berryman has been making language twisted and posed: I mean those already noted here, Lowell, Roethke and Goodman, as well as such others as Cunningham, Schwartz, Jarrell and Elizabeth Bishop, and even those of smaller ambition, like Richard Wilbur and Anthony Hecht, who have produced individual poems finer in poetic integrity and formal congruency than anything in the works of Berryman. One says these things the more willingly about him, though about another one might keep silent, because his own self-advertising, especially in his new book, has become so vain and outrageous. □

The World of Jewish Gothic

A FRIEND OF KAFKA and Other Stories. *By Isaac Bashevis Singer. Farrar, Straus & Giroux. 311 pp. $6.95.*

DAN ISAAC
Mr. Isaac, a Reform rabbi, teaches English at Manhattanville College. He has written widely about drama and is working on a study of Tennessee Williams.

> Jews remember too much. This is our misfortune. It is two thousand years since we were driven out of the Holy Land, and now we are trying to get back in. Insane, isn't it? If our literature would only reflect this insanity, it would be great.
>
> —Isaac Bashevis Singer
> *A Friend of Kafka*

If I. B. Singer had written only "Gimpel the Fool," it would have been enough. But his singular power as a cabalistic writer determined to describe the world of Jewish Gothic continues to grow and gather energy. In his middle 60s now, Singer seems to go from strength to strength as though increasing age had become the generative force. This newest book is by far the best thing we have from him. Singer's short stories are far superior to his novels, as is not entirely surprising in view of the fact that the paradigms for traditional Jewish writing, a "wisdom literature," have always been the proverb, the parable and the folk tale.

To read these stories now makes one aware of the degree to which Singer is able to create a new and Talmud-like dialectic: the subtle argument of a Jewish nihilist who is compelled to believe in Something, and knows more than a little about the demonic. In unexpected ways, the spirit of these tales is antithetical not only to the pious world of Eastern Jewry, most of which disappeared in the concentration camps, but also to the West, rooted in a materialism that reaches toward the mystique of technology. In sharp contrast to both, the

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world of I. B. Singer is incompatible with predictable systems. His stories, somehow, never end where one expects them to.

A Friend of Kafka is an excellent title for the book as a whole, referring obliquely as it does to the style and mood of the typical Singer story. (In its original context, the title points to a broken-down actor who frequents a Yiddish writers' club in Warsaw, bragging endlessly about the many famous literati he used to know.) It suggests that there is a connection between Singer and Kafka, and hints at the same time that the connection may be tenuous. Both writers try to transform the absurd into the mystery of meaning; comparison stops right there. In Yiddish, Singer's title might be interpreted to read: "a *friend* of Kafka's perhaps, but little more—certainly not a close relation." (They don't even speak the same language!) For all his nihilistic tendencies, Singer's writings are distinctively Jewish, and his characters can always be located in time and place. Kafka's characters, on the other hand, know neither who they are nor where they are. "Kafka wanted to be a Jew, but he didn't know how," says the garrulous actor-protagonist of Singer's first story. Singer, on the other hand, knows how, but he wants to be a Jew only in a very special way —as storyteller. For in that way he can admit the dark forces of the occult into the game as equal partners with God in the business of creation.

Most remarkable in this new volume is the group of stories Singer has placed in a modern setting. It was in his third collection, *Short Friday*, that we got the first of the American stories; and in *The Seance*, his fourth collection, there were three more. But in *A Friend of Kafka* there are five that belong to this Singer sub-genre. Two others in the same personal idiom have modern settings outside the United States: one in Israel, the other in Argentina. These stories are of a special order of excellence —attributable, I believe, to their frankly autobiographical nature. They have the immediacy that dropping of the fictive mask permits. It is also noteworthy that in these modern tales Singer retains the quintessential elements of his earlier works, and in particular the equation that ties sexual energy to the supernatural. It is somehow reassuring to discover that ghosts and dybbuks can survive in America.

Frequently, in the modern stories, an aging author meets an attractive woman. The writer has some romantic impulses, but the woman always has other ideas and other problems. In the relation that arises between them, the author becomes the listener, witness to an inexplicable set of circumstances. "The Cafeteria" works in this way to become a classic of spooky storytelling. The author describes the cafeteria that he frequents in a manner that gives the reader a sense of a particular place, as well as an awareness of the narrator's sensibility. And the thought of death dominates everything:

> "Hello, Aaron!" they greet me, and we talk about Yiddish literature, the Holocaust, the state of Israel, and often about acquaintances who were eating rice pudding or stewed prunes the last time I was here and are already in their graves. Since I seldom read a paper, I learn this news only later. Each time, I am startled, but at my age one has to be ready for such tidings. The food sticks in the throat; we look at one another in confusion, and our eyes ask mutely, Whose turn is next? Soon we begin to chew again.

After expanding his description to take in the upper West Side of New York, Singer returns to the cafeteria and the theme of death, developing the rhythms of expectation and surprise that control the chance meetings of this story:

> The cafeteria people I meet are mostly men: old bachelors like myself, would-be writers, retired teachers, some with dubious doctorate titles, a rabbi without a congregation, a painter of Jewish themes, a few translators—all immigrants from Poland or Russia. I seldom know their names. One of them disappears and I think he is already in the next world; suddenly he reappears and he tells me that he has tried to settle in Tel Aviv or Los Angeles.

Into this congregation of the displaced and dispossessed walks a beautiful woman, younger than the narrator's cronies, but like them a refugee from Eastern Europe. The writer, seeing Esther now and then over a number of years, discovers the details of a life drained of hope. He also comes to know her crippled father who lives with her in a small apartment that they can barely afford. From the two of them he hears tales of the ugly aging men who offer her some small security in marriage. But Esther is too proud and cynical to accept such arrangements: "There is no such thing as love. . . . In the camp, people climbed on one another like worms." These words are spoken by Esther's father one day when the author is visiting, but they express Esther's feelings as well.

Months, sometimes years, separate the meetings of the two. One day the narrator goes looking for her only to discover that the cafeteria has burned down. But on the day that it reopens, the writer finds her sitting there. She is greatly changed. Her father has died and she has been very ill. Telling how she refused to accept German reparations payments, offered to her on condition that she represent herself as insane, she says: "But how can I play insane when actually I *am* insane?"

Many weeks of a long winter pass, and Singer prepares us for a shift of time and tone that will actually be a shift into the improbable:

> The sky above the roofs shone violet, without a moon, without stars, and even though it was eight o'clock in the evening the light and emptiness reminded me of dawn. The stores were deserted. For a moment, I had the feeling I was in Warsaw.

The phone rings and it is Esther; she has never called him before. There is something she must tell him. She comes to his apartment, and warning him that he will think her insane, tells the author that three or four years earlier she saw Hitler in New York—in the cafeteria:

> The tables were shoved together and around them sat men in white robes, like doctors or orderlies, all with swastikas on their sleeves. At the head sat Hitler. I beg you to hear me out —even a deranged person sometimes deserves to be listened to.

All of this, Esther says, happened late at night. When she walked by the cafeteria the next morning, she discovered that it had burned down.

Another year passes. One day the author sees Esther in the subway, embracing an older man. Later the narrator realizes that he knew the man, a writer and critic whom he had not seen for more than two decades; by all calculations he must be in his 90s. Eventually, the author visits the cafeteria. Esther is not there, and the only man from the old crowd who remembers her thinks he has heard that she committed suicide some time before. In a brief coda that ends the story, the writer tells us that he had meant to check on the matter, but that he was busy with other things, and shortly thereafter the cafeteria closed down. He concludes that corpses do walk on Broadway.

I have recounted "The Cafeteria" at such length because I know of no other way to convey its peculiar elusive power. This story has as well a kind of muted Sophoclean majesty. For it suggests that the past is recoverable in unexpected ways that point to its dreamlike quality, but that it is inescapable. But to state it thus badly is to rob Singer's fictional equation of its complexity. Singer confronts us with an inexplicable system and we are left to wonder: Is it coincidence? Is it insanity? The narrator himself asks toward the very end of "The

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Cafeteria": "Is there no death? Is there no life?" And somehow the story validates and legitimizes the questions. For there is a special authority in Singer's voice that forces us to listen. Counterpointing the authoritative tone, moreover, is the Yiddish skepticism that is part of the culture and part of the language. It is the combination of these elements that ultimately convinces the doubting reader that what has been presented as fiction is actually a living truth—to which there are only dead witnesses.

There are at least a dozen other stories in this new collection that are of like quality and power. "The Colony" is such another, describing what has happened to a community of Yiddish-speaking Jews founded by Baron de Hirsch in Argentina in 1891. Rich in historical and cultural detail, this story shows how assimilation has eaten away at the religious roots of a farm community founded by a rich European who was trying to prove to the world that Jews could work the soil. Lamenting the condition of these people, Singer says:

> I thought of Egypt, the Golden Calf, and the two calves which Jeroboam the son of Nebat established in the cities of Beth-El and Dan, saying, "Behold thy gods, O Israel." There was something Biblical in that abandoning of one's origins, forgetting the efforts of the fathers. To this spiteful generation there should have come a prophet, not a writer of my kind.

But Isaac Bashevis Singer's kind of writer *is* a prophet. That is the beauty of it, such sad beauty as the lean aesthetic of Jewish writing allows. □

Problems of Fiction

WHITEWATER. *By Paul Horgan. Farrar, Straus & Giroux. 337 pp. $6.95.*

CHARLES NEWMAN
Mr. Newman's second novel, The Promisekeeper, *will appear in 1971 (Simon & Schuster). He is the editor of* TriQuarterly.

Paul Horgan's thirteenth novel is irritating in manifold ways, a proof text for those who make their living writing essays on the death of the novel and the dissolution of language. It is a commonplace that reviewers are inclined to talk about the "problems" that a novel raises, rather than about the novel itself (and if the novel is in trouble, that is one of the largest contributing factors). But to talk about *Whitewater* outside the problems of contemporary fiction would be an impertinence both to the reader and to an author with such a distinguished and varied career. For this is a novel which the intelligent reader will find unnecessarily boring, and yet it remains fascinating to the practitioner—it reminds us how fluid the novel form has become, and of the considerable dialectical strains it is undergoing at present.

Horgan's setting is a section of Southwestern hill country that has been flooded to form a lake, at the bottom of which lies the town of Whitewater. "Halfway along rose the seven islands which had been hilltops years ago . . . the road, and all it had passed through were now deep under water . . . no one ever could be sure of what to find there—solitude if that was what he wanted, or fellow creatures, with all of their possibilities, or news from elsewhere, or kindness, violence, love, amazement, peacefulness."

Thus we have the image of a submerged civilization, surrounded now by the debris of modern life: the condoms, the beer cans, the neckers, the tourists, the frenetic fishermen. Not far from the mysterious lake three young people grow up—a cerebral type who does the narrating and the whining, a physical type who does the acting and the dying, and a girl who gets left behind. It is the thinking man's inability to do any more than think which does his friends in.

Their development is as laterally schematic as the symbolism of place is vertical. The central scene occurs when the two boys are camping on one of the islands, hear voices on the next, and swimming over to investigate, are shot at. Those wordless voices are heard throughout the book, but it is never clear whom they belong to or what they are saying. Lest the ambivalence escape us, the book begins with a dialogue and ends with a monologue, the first of which sets up the epistemology for us: " . . . The reflected sign of life can seem like the past, about which there is much to learn and remember, while the other, the direct sign, is like the present, which we know and hardly notice by simply living in it." And the monologue locates those voices: "When they come back to him, as they still occasionally do, he wonders if he listens to them in memory as if to hear the dialogue of body or soul? Heart and mind? The dialogue of life between its completive polarities?"

It is not surprising that the narrator has grown up to be a professor. These two passages enclose the book with all the subtlety of a pair of military-issue bookends. Not only is the mind/body problem resolved but also, in the last line, "let us listen to hear if the voices," a kind of Nixonian bridging of the generation gap is implied. The sentence is

VILLANELLE

I wake in the small hours, warm with outrage,
outrage and horror at the year's injustice—
Biafra, My Lai, Prague, Judge Julius Hoffman.

Cold asleep, drowned in everybody's darkness,
from dreams of burned-out villages and courtrooms
I wake in the small hours, warm with outrage.

The ignorant resume their play of wisdom,
the wars go on, the massacres, busts, purges,
Biafra, My Lai, Prague, Judge Julius Hoffman.

What can help, what direct word, what sure action?
The night exhausts me with imagined programs.
I wake in the small hours, warm with outrage.

And everywhere good men despair of goodness,
die of diseases with such names as Athens,
Biafra, My Lai, Prague, Judge Julius Hoffman.

What can I do but string names and remember,
but call out names and evil, never coldly?
I wake in the small hours, warm with outrage:
Biafra, My Lai, Prague, Judge Julius Hoffman . . .

G. T. Wright

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left unpunctuated, I presume, to indicate an "open ending."

This structure is so obvious that only prose of the highest or quirkiest order could save it. Instead, we are surfeited with such phrases as "stars of the low heavens trembling their unknown messages to earth"; "darkness made its habit"; "light like the first light of Eden"; "What lingered in the air was love of learning for its own sake." The incidental characterizations, punctuated by seemingly endless monologues on the part of the town librarian, which would be wonderful absurdist set pieces if we were not forced to take the town and library seriously, further compound the problem. Consider this portrait of a state trooper:

> Trooper Stiles, standing erect at the bar in such a way as to keep his uniform from wrinkling and to let his torso show to its best advantage, nodded. . . . He made a habit of knowing most of the cars belonging to leading citizens, from sight and sound he knew which one had just departed from which parking place. He had habitually noted the license.

These strictures may seem a little hardhearted, but what I'm trying to suggest is that this sort of writing no longer yields a great deal because it's neither traditional—replete with psychological causality and memorable concrete detail—nor post-modern, a caricature that functions precisely as a walk-on, invested with a sense of its own role or at least with authorial irony. And it raises this question: in our time, outside of the journalistic tape recording, how *do* you capture a state trooper? Horgan does it with a full nelson. I am hardly arguing *avant-garde* versus tradition, but simply suggesting that it is tough to have it both ways. While the book is meant to be a comment on its own progression, exposing the inadequacies, not to say the stuffiness, of the cerebral *type*, that very type is still telling most of the story. I must say it is very difficult for him to outdistance the three lead quotes (from a Christian hymn, Octavio Paz and Lermontov), or the more than usually fatuous publisher's blurb which states that "like every true novel," this one is "about us all." A book can survive being touted as the "greatest novel of the decade," or a "significant contribution to 20th century literature," or even, "soon to be a major motion picture," but a novel about us all?

For all its blandness, this is an excruciatingly nervous book. Its fragmented pace is falsely accelerated by what's left out, by the fossil-frond ornaments which so often and so impressively punctuate its episodes. The first half of the novel is notable for an extraordinary reversal of elements; the narrative colloquial and distant, the dialogue portentous and anecdotal. In effect, the author is attempting to allow the characters to narrate the requisite background through their dialogue, certainly one of the most difficult of strategies, and the effect is rather like a Congressional debate over a bill whose fate is already decided and which provokes a flurry of motions to amend the record.

Thus the tensions between a regional novel and its ambition to be universal; between a traditional psychological study and an anti-novel of surfaces, with characters that are neither full-blown nor justly sketched; between a mystery story and a simple confusion; and a plot which goes nowhere yet attempts an almost syllogistic resolution.

Had the style proclaimed itself as anti-psychological, had the tone been more speculative, then the novel's deviations might be ascribed to a certain aesthetic. Its hyperthyroid pace and heavily symbolic dialogue could have been designed to draw the reader's attention to his own deficiencies and stereotyped expectations. But lagging between self-consciousness and traditional omniscience, between a tentative experimentalism and a slick traditionalism, it draws attention to its own lapses.

It is not a reviewer's place to question an author's intention, but the book shows the effects both of outworn formulas and of a peripheral grasp of new techniques, which weigh theoretically upon every page but which are rarely executed. Honest and fuddled at the same time, Horgan employs techniques which he resists in spirit, and produces a novel curiously out of phase with the mind that created it. □

Learning and Loss

PERMANENT ERRORS. *By Reynolds Price. Atheneum Publishers. 253 pp. $6.50.*

CHARLES LAM MARKMANN
Mr. Markmann is a journalist, critic, novelist and translator. His latest book, The Noblest Cry (*St. Martin's Press*), *is a history of the American Civil Liberties Union.*

The human condition, which is after all what art and especially the art of literature are "about," is one of persons more than it is of people. A most tragic and at the same time most comic factor in that condition is human fallibility, and it is this that engages the very estimable art of Reynolds Price in his fifth volume of fiction.

Fiction, at any rate, is the word on the jacket flap, and fiction much of the book unquestionably is in the old literary-dictionary sense. Under this rubric one is of course prepared to include the fictionalized autobiographical matter that no *faber fabularum*, probably, can avoid. In this book, however, I am morally certain that the second group of pieces, called by the author Elegies and described by him as "narrative poems of personal loss," consists—again, technically—of history and not merely story. It is no arrogance of the author to call them poems; few prose writers in this country at this time can match either his perceptions or his courage for poetry in prose.

Here the writer is the creator of icons from his own past, for the most part: his father, his mother, his family's spinster friend. And here, too, he creates a liturgy that brings to life these icons, as, awed at what he so narrowly escaped, he brings back the day of childish games that pulled him up short of the murderer that lies in each of us from infancy.

What is important, I think, in this matter of fact and fiction is the recog-

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nition that basically the category is irrelevant and the art is all that counts. It is as if one were back at the beginning of literature, before the letter, when fiction and poem and history and reflection were one.

It is not only the purely personal, however, that can engage Reynolds Price's art. In all but one of the pieces in this book, Price's sensitivity to words, as to even the slightest velleity of feeling, makes the reader part of an experience that it is difficult afterward to recognize as vicarious.

The book is broken into four sections, each of which has a unity of its own so that, as Price remarks in a brief prefatory note, its components may be appreciated individually or cumulatively (his word is "augmentative" and it applies certainly to the sum of the first three sections, if less certainly to the accumulation of all four). The first section, titled Fool's Education, consists of four stories of learning—learning, that is, the inevitability of loss, and of loss brought on by the loser. While indeed there are people born victims in search of butchers, Price seems to be saying, all of us (and here one is reminded, not by the language but by the substance, of the quintessential pessimism of Proust) are born to be our own swindlers. Price's characters—chiefly protagonists, but also those who touch their lives or are touched by them—are losers not because they are stupid (they are not) or insensitive (as they only seldom are, and then in curious ways) but because by some arcane law it is precisely the perceptive who must be the losers, whether on a road in the Carolinas, in an Oxford lodging house or at the ruins of Dachau.

Elegies, the second section, which is frank homage to time past and persons vanished, evolves a variation on the theme of loss and error. Again the fault is as it were inescapable, and rarely to be isolated and neatly classified. Indeed, the errors that are permanent in the world of Reynolds Price's characters are what might be called temporal, as if each individual psyche had somehow missed by just a second or two the timing of every other psyche. Recognition, when it does become possible, is no remedy; it is rather a further irritant.

In the third section, Home Life, there is one long story, "Truth and Lies," that seems in matter to have nothing to do with the six episodes grouped together under Good and Bad Dreams. "Truth and Lies" is the stark story of a woman who has nothing—no love, no beauty, no friends, no fertility—and her confrontation with the girl, her former pupil, who has borne a child to the older woman's supposedly sterile husband. The women in this story, as in all Price's stories, even those in which the women are tangential, are realized as people, not as reflections of a man's fantasies of desire or resentment—and this, I think, is quite as rare an achievement as any woman writer's realization of male characters.

Good and Bad Dreams presents to a degree some foreshadowing, in terms of hinge event, of the final (and least successful) section of the book, a novella called "Walking Lessons." The woman in Good and Bad Dreams, which has six chapters, as one might call them, attempts to kill herself by slashing an artery and is saved by her husband. Neither he nor the reader ever knows explicitly why she wanted to die, why she chose so frightening a means. But we do know that she will try again, and not fail—knowledge imparted almost nonverbally in the subtlety of Price's conclusion.

"Walking Lessons" is the whole of the final section, the title of which is The Alchemist. The first-person narrator is—by two weeks—the widower of (it would seem) the failed suicide of Good and Bad Dreams, who has tried again, with a pistol in the mouth, remembering to choose for her act the bathroom, where the tiles will not be permanently stained. In flight from her unexplained and therefore even more menacing resolution, the narrator has gone to a friend whose chosen form of self-destruction is working as a VISTA volunteer among the Navajos of Arizona—a job he loses when the "VISTA spy" finds him living with a Navajo girl who is suffering from multiple sclerosis.

I can recall in all of Price's work no other instance in which characters, motivations and speech have been so unanimously unconvincing. The appalling misery of the Indians is everywhere in the story, true; but, though it infects the two non-Indian men, it does not make either more real, nor does it vitalize even Dora, the ailing girl. Why Cunningham has abandoned his medical studies just before their completion for isolation and self-destruction in Arizona, and why the narrator's wife has shot herself and he has gone to Cunningham for strength remain mysteries. Only the folly of the foredoomed expedition to salvage Dora's disabled truck explains itself.

Price remains, however, both artist and craftsman. He uses words with appreciation, with understanding, with love. Words are the material with which, as in "Morning Places," the last part of Good and Bad Dreams, he creates sculpture in motion; not only in motion but communicating a sense of life that is almost overwhelming.

Price is especially to be welcomed in a period when it is assumed that literature is to be made in prose of Rube Goldbergian intricacies, punctuated by sledgehammers and bladders and bicycle chains and dildos. □

THE COUPLE

They live
wholesomely.
On their oaken table
shiny loaves of warm hallah
They break off an end
and draw the aroma
They will churn sweet butter
for years

Dan Papish

FILMS

ROBERT HATCH

If a film falls below a certain technical level of communication, it is hard to judge the quality of its content—i.e., if I can't hear what you say, it is hard to know how much sense you make. So it is with *Ice,* Robert Kramer's account of guerrilla enterprise in the totalitarian near future of the United States. I don't suppose that Mr. Kramer is incapable of turning out a well-engineered and designed picture, or is financially prevented from doing so. It is more probable, I think, that he offers this often inaudible and largely incoherent footage as being in harmony with the bias against professional efficiency that characterizes the group whose exploits he celebrates and the audience whose approval he solicits. It is the same impulse that causes generation-conscious professors to open every sentence with "Like, man," and that has coined the expression, "to do one's thing," as a sanction for incompetence.

If I am right about Mr. Kramer's intention, I think he seriously misjudges the situation. It is true that at the end of the almost interminable *Ice* there was a scatter of clapping from the young men and women around me, and some appreciation of recognized stereotypes in the course of its running; but I have been going recently to a Buster Keaton festival, which is where the youth of New York has been flocking night after night to laugh, cheer and burst into applause. And Keaton's jabbing wit and surreal invention were based solidly on a perfectionist craftsmanship. The notion that the rising generation has adopted failure as a style is as ignorantly hostile

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a superficiality as the allegation that they are the permissively distorted creations of Dr. Spock. It could be held only by those who think that the most meticulously dressed and groomed generation since the Edwardians is sloppy.

But to return, somewhat reluctantly, to the opaque and disoriented *Ice*. It purports to chronicle the planning and implementation of a revolutionary demonstration in New York a few years hence, the purpose of which, I believe, is to let the populace know that a spark of dissent still glows under the blanket of despotism and to attract recruits to the movement. The exploit ends in ambiguity accented by disasters, the people concerned being incapable of preparing a light lunch, let alone the violent disruption of a major city. But whether or not their pathetic (and boring) clumsiness is intended I cannot say, for in any case the ineptness of performance far exceeds the ineptness of role. The actors, amateurs, mumble their lines while for the most part gazing at their feet or the camera, and persons out of sight tramp about in what sounds like mounds of Rice Krispies. When lines do by accident come through clearly, they invariably turn out to be examples of decerebrated rhetoric, the kind of assertions that produce neither assent nor argument, but only numbness.

Mr. Kramer's scenario is as ill-disciplined as an untrained beagle—it repeatedly veers off on the track of some alluring irrelevance, and must then be dragged back to the main progress, with the object of the digression undivulged. This sort of wobbling is unfortunate in a tale of underground shenanigans; even when they are expertly tailored (*The Thirty-Nine Steps, The Informer*), such films exact a good deal of concentration from the spectator.

At *Ice*, one soon abandons any consistent attention, and tries to snatch fragments from the ruins. There are a few: it is an amusing comment on this discussion-prone generation that the guerrillas conceive as a major stroke the rounding up at gunpoint of the tenants in a middle-class apartment complex for midnight seminars on political militancy. It is shrewd to note that the young extremists are addicted to amateur movie-making; people are continually running about with cans of film and aiming hand-held cameras at the crisis they are creating. One gets the impression that reality for them is what can be caught on film. I liked dialogues in which the participants "communicated" by talking exclusively about themselves, and I was moved by a decency of motive that seemed to be foredoomed by an ignorance of history. In its preoccupation with the making of film, as in its use of printed legends and a disposition to allow monologue to usurp action, *Ice* recalls the more recent works of Jean-Luc Godard. But Godard, whose themes have been turning progressively anarchic, nonetheless keeps his technique under elegant control.

It must be said for Mr. Kramer's project that it makes convincing the supposition that if we leave our worst problems to be solved by children, we are in for a tragedy of unparalleled meanness. But how much of this he meant and how much of it I conjured up in an attempt to derive sustenance from two hours in the theatre, I cannot say. Some puritanical idea that the message must prevail despite the medium turned *Ice* into a shambles. □

THEATRE

HAROLD CLURMAN

Much that is attempted by the "new" theatre is done far better in ballet. In *Trinity*, choreographed by Gerald Arpino for the City Center Joffrey Company, the most appealing aspect of the young generation blazons beautifully before us.

Edwin Denby, former dance critic of the New York *Herald Tribune*, a man of exquisite taste, smilingly murmured to me at the première of *Trinity* that it reminded him of Norman Mailer. I am not sure he meant the remark as a compliment but I, who found the work exhilarating, thought the allusion apt. There is in Mailer at his best the frisky energy of our city's youth and a special sort of romanticism.

The same is true of this propulsive piece to a score (mostly "rock") by Alan Raph and Lee Holdridge. It combines a grotesquerie of movement (which the contortions our civilization imposes on us) with a persistent sentimental dreaminess that persuades us that all is not yet lost. *Trinity* is a charming work, brilliantly projected by very nearly the entire company.

Alice in Wonderland, directed by André Gregory, for the Manhattan Project graduates of the theatre program at New York University's School of the Arts, is being given at The Extension, 277 Park Ave. So. It too is youthfully exuberant. It sweats too much. "Beauty," Nietzsche said, "moves on light feet." But this *Alice* does not aim at beauty. It is *Alice* as street urchins horsing around with her might conceive of it. What we witness approaches fury, an exasperated dervishness. The effect is occasionally imaginative and funny—as in the caterpillar scene—but more often discomfiting.

The six young players are physically strong and courageous in the use of their bodies; they do brave and difficult things; they constantly seem to be in peril. This may be intentional, but it is not sound. Excess in performance is gratifying only when one feels that there is still some reserve of strength. André Gregory, who has worked long and hard on his *Alice*, is earnest and talented. He employs sundry props (kitchen chairs, broken umbrellas, newspapers) with entertaining results. The influence of Grotowski is unmistakable, but in this case, at any rate, Gregory has been misguided by it. The content of Grotowski's art—its apocalyptic passion demands that his actors reach the very limits of their physical and emotional capacities—cannot be conveyed except through the specific means he employs. The same is not true of *Alice*, which is essentially comic.

Alice, it may be argued, is not simply "comedy." It is satirical and perhaps even "mad"—Artaud, who disliked Lewis Carroll's writing, found all manner of perversions in it—but even as "madness" *Alice* is still without patent neurosis or hysteria. The mask of airy playfulness is never discarded. In Gregory's breathless, almost brutal, Alice we feel that she is being violated by a treatment that does not befit her nature—even if she is to be seen through a distorting mirror set up by big-city brats gone berserk.

The Grotowski via Gregory method betrays the material. This need not be so. In *The Serpent* of the Open Theatre, which is also inspired by Grotowski,

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there is a gentle lyricism even in moments of conflict and woe.

Still Gregory's experiment is a respectable one and may lead to more agreeably complete achievement later on. It is doing this young director and his arduously committed company a disservice to puff them indiscriminately just because their effort is "new."

Trelawny of the "Wells" is the only one of Pinero's plays which Bernard Shaw liked. It is indeed a delightful thing. Its craftsmanship and its "message" are beautifully blended. Even its hokum—and it is blessed hokum—is translated into art by the happy wedding of Pinero's feeling with professional calculation.

We are in England during the 1860s. Most of the characters are actors and other stage folk. We get a whiff of the upper classes in Victorian society at its stuffiest. The theme is the theatre's perennial hold on those who affect it, which in that era meant almost everybody.

With this there is the pathos of historical change. The play recalls the transition on the English stage from high-falutin melodrama to the realism of Tom Robertson. He was a minor member of such a company as the "Wells," as was Pinero, the "walking gentleman" of Portuguese-Jewish extraction who later became the knighted author of *The Second Mrs. Tanqueray*. In the nineties he was the most successful exemplar of the "well-made" play.

The theatre Pinero sets before us in *Trelawny* is shabby and absurd and yet glamorous because its audience, as well as its manners, had such innocent faith. How stale and profitless our sophisticated stage today seems beside it!

There is a scene in which an impossibly rigid old codger—Vice Chancellor Sir William Gower—who has little but scorn for stage folk (he calls them "gypsies") melts when he hears that a young actress' mother played with Edmund Kean. "Kean! Kean!" he bleats in an ecstasy of memory, and essays an imitation of Kean as Richard the wretched. We dissolve in tears and laughter.

The play caught me by surprise when I first saw it acted by Maggie Smith in London some years ago at the British National Theatre: it "killed" me! Comparisons are odious; so I shall confine myself to the statement that the company at the Public Theater, under Robert Ronan's direction, does a good job. This is not easy on an open stage with an almost all-American cast. The play is eminently English. Nancy Dussault is sympathetically simple and direct as Rose Trelawny. A youngish actor, George Bartenieff, is excellent as Sir William: he makes "overacting" pleasurable. And while Sasha von Scherler's cockney speech is occasionally unintelligible, her robust warmth is endearing. Is it shameful to admit that after attending so many virtuous tries at *avant-garde* expression at the Public Theater (and elsewhere) one embraces *Trelawny* in relief?

The general press and public reaction to *Conduct Unbecoming* by Barry England (Ethel Barrymore Theatre) is somewhat similar to that which greeted *Trelawny*. They are both old-fashioned. The difference is that the old Pinero comedy is first-class of its kind, while *Conduct Unbecoming*, a recent London hit, is not a particularly fresh, though a well-wrought and moderately effective melodrama. It will do well here too because it is of the stage stagey: it is a *show*. The mass audience does not change its primitive appetites for action and *story*.

The play takes place in the anteroom to the officers' mess of a regiment in the Anglo-Indian army during the late 1880s: the uniforms are bright red. A young officer, who is a general's son, eager to remove himself from the army and the crack regiment to which he has been assigned, is accused of unseemly behavior toward a lady. In an inquiry—a sort of unofficial trial in which the young officer is defended by his idealistic companion, also a new recruit—we gradually learn of the rotten underpinnings of the regiment's and, by extension, the army's, severe protocol and supposed honor. There are humorous touches, there is suspense, there is surprise—a bit too much of this since the ending is, to say the least, fuzzy.

If you enjoy this sort of melodrama, *Conduct Unbecoming* will certainly gratify your taste. One should also add that for the respectable middle-class English audience the play contains a considerable "kick." It induces a feeling of moral superiority because it "exposes" the skulduggery of the military behind its show of decorous discipline. It proclaims the rights of individual conscience and stands resolutely on the side of ethical rectitude. The regiment, though the contrary is said, somehow comes out of it all with flying colors: there will always be something left of British fair play whatever the circumstances. The play would have been more than relevant in 1913—it would have been "revolutionary" à la Galsworthy. Even now, conservative and liberal may content themselves with the play's testimony.

The acting matches the text. Broadway enthuses over it because it is smashingly efficient—well spoken, tight, upstandingly confident. The best performances: Paul Jones as a young man of principle, Donald Pickering, combining the regiment's faults with its valor, and Paul Harding in a less prominent part of a relaxed and reactionary cynic. There is competence throughout. □

ART

LAWRENCE ALLOWAY

Until recently the psychoanalysis of art was restricted to dead artists. In the hands of Freud, retrospective analysis was an extension of the 19th-century idea of art as a means of contact with great minds. For all the distressing symptoms that he detected in Leonardo, Freud's view of artists was essentially old-fashioned and ennobling. Subsequent psychoanalysts possessed neither Freud's tact nor his sense of the continuum of culture, with the result that crude postmortems on absent heads flourished. One victim, Vincent van Gogh, was analyzed at different times in terms of syphilitic dementia and schizophrenia, of "affective epilepsy" and "epileptic psychosis," aggravated respectively by Oedipal conflict and addiction. No wonder Artaud was driven to proclaim "the good mental health of Van Gogh who, during his whole life in this world we live in, burnt only one hand in addition to cutting off his left ear." Later psychoanalysts have shown themselves to be more sophisticated in terms of art and more sensitive to the human pain of illness; Martha Wolfenstein's "Goya's Dining Room" (*The Psychoanalytic Review*, XXXV, 1966) is a good example. Validation, however, remains illusory.

In the United States, though not in Europe, we have a situation in which attendance on a psychologist, of one school or another, is common, not to say statistically normal. With such an input of patients, artists must be showing up regularly and, as it happens, the general level of art appreciation has risen, including that of doctors. We ought, therefore, to have the beginning of a literature on the psychoanalysis of live artists, of artists personally known to the analysts who write about them. One sign of this is a show of so-called "Psychoanalytic Drawings" by Jackson Pollock at the Whitney Museum.

The drawings are from a single source, a doctor whom Pollock consulted for eighteen months in 1939-40. The propriety of this event, a doctor selling

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a patient's work, is not clear, but it is thirty years since the sessions and fourteen since the artist's death. It certainly constitutes a financial gain for the vendor, but it hardly counts as a breach of confidence. Lee Krasner Pollock, the artist's widow, communicated with *The New York Times* (October, 16) about this but not, apparently, with the Whitney Museum. She suggested: "Whether Dr. Henderson has acted properly in disclosing Jackson's communications with him and making his personal psychoanalytic judgment public is a matter about which he must search his own conscience." It must be said that the catalogue is perfectly circumspect, staying well within public knowledge of Pollock's troubles. In a book by Bryan Robertson, countenanced by Mrs. Pollock, there are several references to Pollock's alcoholism, for example, including this sinister apologia: "when he was drunk and unhappy, and involved in trivial bar squabbles, weapons were sometimes thrust into his hand by avid onlookers."

The drawings originally were used to facilitate communication between Pollock and Henderson. Apparently by discussing the drawings with the doctor Pollock could reveal what he had trouble saying straight out. It is a serious shortcoming of the catalogue by C. L. Wysuph that, though he is introducing us to the drawings, he is, at the same time, screening us from their original interpretation. There is a tantalizing reference to "Joseph Henderson, M.D., 'Jackson Pollock: A Psychological Commentary.' Unpublished essay," but only Section II of Mr. Wysuph's essay goes into clinical detail, including five quotes, no more, from the doctor.

According to Wysuph, Henderson diagnosed schizophrenia and the drawings are said to indicate alternations of "violent agitation" and "withdrawal." He is quoted as interpreting a specific drawing (No. 57 in the show) as follows: "these pathetic upper limbs reaching upward toward an unfeeling, purely schematic, female torso, must denote a problem left unsolved and perhaps insoluble, a frustrated longing for the all-giving mother." This is hardly a reduction of Pollock's privacy; it is cliché, not revelation. Mr. Wysuph proposes that Pollock's move, in the late thirties, from an imagery influenced by Midwest and Mexican social art styles toward Surrealism shows that "he must have felt the need to express a more interior reality." However, it is more as if Pollock switched from one set of simple public symbols to another set, equally simple and no less public. Pollock seems to have been familiar with analytical psychology before he went to Henderson, so we have a self-sustaining rapport of Jungian doctor and a predisposed Jungian patient. Indeed Dr. Henderson admits to a "counter-transference to the symbolic material."

I don't mean that analysis may not have been good for Pollock, but I doubt that the drawings done for his analyst are in any sense more expressive, more authentic, than his other work. The weakness of the psychoanalysis of art is that its literature consists of a heap of unrelated and untestable guesses about artists in crisis. Art is assumed to be a source of secret knowledge, an idea related to the 19th-century view of art as self-expression. What Jungian psychology gave to Pollock was an iconography; not a mode of involuntary revelation but a set of mythical figures to use knowingly. Except for his best period, 1948-50, the figures and the animals always inhabit Pollock's paintings as public property of the analyzed generations.

The drawings themselves are interesting as they fill in the outline that was indicated by the previously known sketches of the period belonging to the Pollock estate. The main style is the Mexican version of Cubism, a ponderous meshing of mechanical, totemic and organic form sources, heavily contoured and greasily shaded in crayon. When a lighter scattering of images occurs, there are frequent shreds of Arp, Miró, Henry Moore and Picasso. The drawings are mostly heavy-handed and banal, the work of a man who did not get going as an artist until 1942, at the age of 30. He was, if not exactly a late starter, an awkward one, like other Americans of his generation working in the absence of the support systems now abundant in the art scene.

The future of the psychoanalysis of art seems to lie in work with artists who are nonpatients. Only then will the problem of how an artist views his own work, what his satisfactions are in working, be documented with any precision. Then the aberrant cases usually discussed will have a meaningful field of reference. An example of such work is the series of sessions of Robert Indiana and Dr. Arthur C. Carr, in which the artist provided his free associations to his own paintings. Indiana is an articulate artist and Dr. Carr is a collector (owning a good many early Indianas), as well as a psychiatrist. The match was exceptional and the results illuminating though, at the present time, unpublished. It is clear, however, that discussions of this kind, with nonpatient artists, will reveal more about art than the infatuation with breakdown ever did. In any case, it seems that Pollock, for one, made art that conformed to his doctor's requirements. This is the reason that makes one wish for a fuller use of Henderson's original material, not as news from Pollock's archaic past but as a guide to the artist's later conscious intentions. □

DANCE

NANCY GOLDNER

A bourgeois tragedy is hard to swallow. Like vinegar and oil, the two concepts don't mix. The humdrum quality of the characters persistently asserts itself from the underside of the play, no matter what extreme, fanciful and interesting actions are given to them, so that characters and plot never form a believable union. It used to be that playwrights made their characters very important people in society, so that they themselves could have great bearing, symbolically and actually, on the world they represented. Another alternative was—and still could be—to make them represent a class or issue that is historically important.

Dance is much luckier than drama; it does not have to be about anything at all, yet can be expressive in the thematic and abstract way that music is. Indeed, the best contemporary ballets are about nothing, and if they express emotion or situation they "turn out" to do so on a take-it-or-leave-it basis. If a choreographer decides to do a drama, he is still luckier. In ballet the equivalent of classic tragedy is the fairy

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tale, not for its tragic import but for its largeness and the viability of its conventions. In the fairy tale, anything that happens is believable and assumes importance. Sleeping Beauty wakes and one is perfectly willing to draw the conclusion that the world has come back to life. Fairy-tale characters are young in that they have not yet experienced love, but they are not immature. Even today, a choreographer can use the fairy-tale conventions of aristocracy, magic and exotic creatures without anyone looking askance.

But suppose a choreographer decides to do a ballet about you and me, ordinary people. Like the dramatist, he instinctively realizes that if he really sticks to his guns he will not be able to think of anything for his dancers to do. A sure way to liven things up is to assign the characters psychological problems; this is the escape from total anonymity. Instead of providing an evil magician to harass the heroine, one gives her complexes. The only problem is that the existence of a magician is a *fait accompli*, a given that one will accept if a good story comes of it. Psychology demands a realistic approach, with an exploration into the beginning, middle and end. Furthermore, from the point of view of the audience, which wants entertainment, action and character traits are more engaging than problems. The seven deadly sins yield more visibly demonstrable drama than do neuroses.

The fundamental impasse of the psychological approach—to dance up what is choreographically untenable—is the nemesis of Todd Bolender's *The Still Point*, revived on September 30 by the City Center Joffrey Ballet. The choreography is dull, but then much choreography is dull. What is so grating about *The Still Point* is its content.

A girl dances with two other girls. They seem to be playing together, but this is odd, for they are not children. And they are certainly not adults. Indeed, they are disturbingly ageless, yet there is something childish about them. Two boys appear, also of obscure age. Three girls and two boys: so there is the big problem. They must be teenagers. But no, the problem is a little bigger than "three's a crowd." It seems that the odd girl has a problem. She is introverted; but she is even worse off than that, it turns out, when the other two girls begin to whisper about her and point their fingers at her. She is rejected by her peers and can't share their toys (boy friends).

It has all been rather petulant and trivial so far. But now the girl rushes on stage with her long hair streaming. Another problem. She is neurotic, sexually repressed. Instead of being "just a girl," she becomes Ophelia, Lucia, Giselle, what with that disarranged hair. Out of the preceding scene of teen-age nastiness comes glorious madness, a lovely 19th-century manifestation of a middle-class, 20th-century tragedy—not having a boy friend (love has not been the issue). Things are not trivial any more; just ridiculous. And what saves Ophelia from her fate? A nice, comfy seduction by an understanding, nice boy (or man—it is impossible to tell), who appears *deus ex machina*. They meet and couple without love or anger, without lust, happiness or sadness, not even with relief or pride on the girl's part—but with therapeutic understanding, our modern counterpart of tenderness. The girl, now cured of her psychosis, goes off into the sunset with her lover-psychiatrist-dentist. Thus ends a rather heavy melodrama played by the folks next door, about whom we know nothing (not even their age), who do little more than hurt one another by childish inconsideration, and who require no more than some attention by the opposite sex. Throw in a bit of trauma and a pretty ribbon to tie it all up, and you have an excuse for a ballet libretto.

The pity of *The Still Point* is that, all the while, Debussy's throbbing and colorful string quartet (orchestrated for the occasion) was playing far, far in the background. If anybody wants to do an exciting, dramatic ballet, he need only listen to the rhythms of that quartet.

One reason why performances of the Martha Graham Dance Company (at the Brooklyn Academy of Music, October 2-8) were, among many other good things, a tonic is that Graham abhors small, childish people, small problems, small solutions. Whether the character be Medea, a bride, Christ, Jason, a vain woman, Phaedra, or a woman locked in memories, and whether they kill, marry, suffer from jealousy or the knowledge of a life spent, they are larger than their neuroses, so much so that the concept does not arise. Their interior and exterior lives are too busy and important. Besides, Graham is more interested in exploring the facets of a personality and in describing them than in finding out what's wrong or right.

Graham has often been thought to be a choreographer of the mind because many of her works take place in the mind of a character as she or he remembers past events. Yet her ballets never seek to explain motivation. For all of her interest in the interior landscape, she is totally unpsychological. She attempts to re-create states of mind in dance, rather than to suggest that certain emotions cause certain actions. Like a fine writer, she has the dancers dance out their lives, believing that the realization of a character comes through its activities. Of course, activities for Graham are dance activities. We know Graham's Medea by the violent twists of her hips, and her Emily Dickinson by the wide, free sweep of her legs. That suffices. These two, and most other Graham characters, are extraordinary, strange, important, recognizable, yet fictitious creations. If we react to them, we do so directly, not through the middleman, through the leveling device of psychological cause and effect. □

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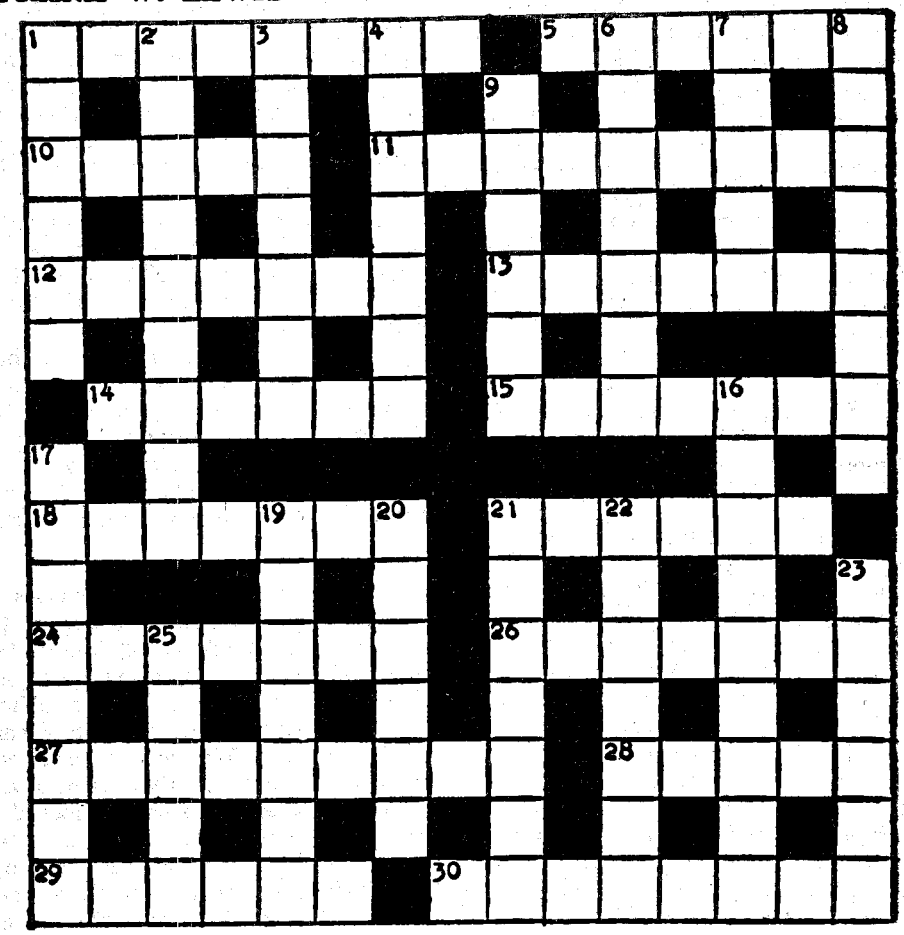

ACROSS

1 Certainly conservative neckwear, but they have their points. (8)
5 Overhead otherwise associated with the plant? (6)
10 Permission set forth in bilingual greeting. (5)
11 Gregg probably wouldn't be called "Slim" on the ranch. (9)
12 Such a book might have a fine association. (7)
13 It popped its head into Samuel Foote's shop, with "What! no soap?" (3-4)
14 Had fun fiddling around? (6)
15 Gate with a river behind? (7)
18 Announcements concerning the section torn up? (7)
21 A little animal has to have its measurements. (6)
24 Came from the cry of "Save us!" but has on an entirely different implication. (7)
26 No expense required for keeping port cold? (3-4)
27 Could such a person be a djinn or a less disembodied type from Ammon? (9)
28, 29 and 30 Old stage line implying the last is fatefully worse than the first. (5,6,8)

DOWN

1 and 7 Evidently fishing was a pursuit for this Civil War politician. (6,5)
2 A banner to Lee, in a way, could have been 14. (9)
3 You could make suet out of it, with shortening. (7)
4 Where part of the population of London is dense, at preliminary examination. (4,3)
6 This has seven posted, perhaps. (7)
7 See 1 down.
8 What such things should do might be last. (8)
9 Talk about a close friend! (6)
16 You might entertain the idea to extend hospitality. (9)
17 One might see John to be working so. (2,3,3)
19 Horseman with dash? (7)
20 Latin's not so difficult as Russian! (6)
21 I can hit what might be on the table when properly set. (7)
22 The staff of life, and most of the span of it, perhaps. (7)
23 One might have designs in advance. (6)
25 Shoots up on the tail of some 6, possibly. (5)

SOLUTION TO PUZZLE NO. 1365

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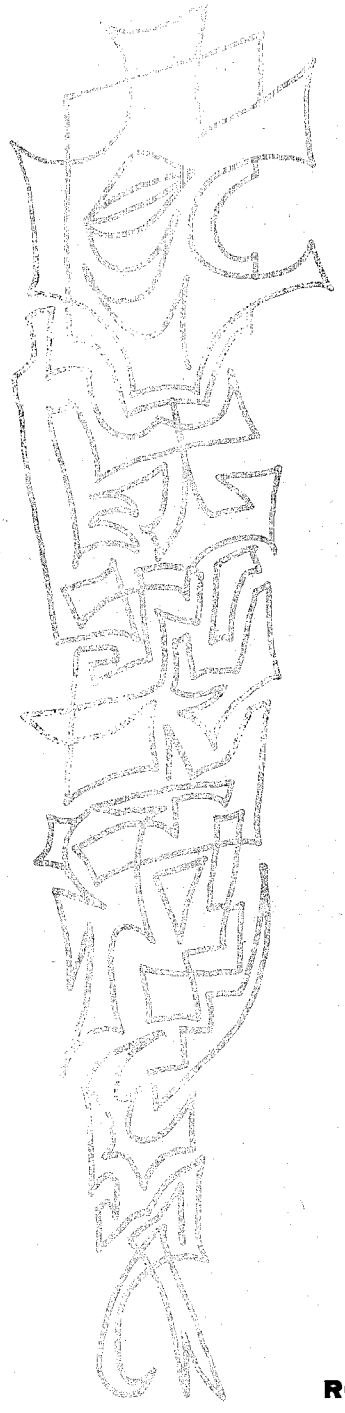

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